

## SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, MONDAY, 16 AUGUST 1999

## FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00001  
(PREVIOUS LICENCE NO. F608)

*Licence to Farm Fish under section 53 of the Fisheries  
Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Emily Krstina (Australia) Pty Ltd (13053)  
P.O. Box 792  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted

species, is caught in any sea cage or other farm structure used by the licensee on the site.

#### 7. Location of Sea Cages

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

#### 8. Marking and Maintaining the Site

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

#### 9. Site Inspection and Supervision

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

#### 10. Fees and Returns

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

#### 11. Compliance With Relevant Laws

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
  - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
  - 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

#### 12. Public Risk Indemnity

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

#### 13. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

#### 14. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

#### 15. Guarantee or Indemnity Scheme

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

#### 16. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

#### 17. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:

- 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 17.4.2 an order is made for the winding up or liquidation of the licensee;
- 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
- 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 17.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 18.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 21. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 22. Waiver

- 22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 23. Notices

- 23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 23.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 9 August 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Emily Krstina (Australia) Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. SANTIC, Director

A. WHITTAKER, Secretary

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
586382E 6156505N 135°56'36" -34°43'47"	8
586048E 6156740N 135°56'23" -34°43'39"	
586156E 6156896N 135°56'27" -34°43'34"	
586487E 6156663N 135°56'40" -34°43'42"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.

#### Item 2—Marked-Off Areas

Marked-off areas must be marked with no less than 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

#### SCHEDULE 2

##### Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Southern Bluefin Tuna (*Thunnus maccoyii*)

##### Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 10

##### Stocking Rates

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m<sup>3</sup>.

The maximum weight of fish introduced into the site must not exceed 25 tonnes in total during the term of the licence.

#### SCHEDULE 3

##### Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee (per hectare)	
8 at \$136 each.....	1 088.00
Base Licence Fee (per hectare) 8 at \$183 each.....	1 464.00
FRDC (per hectare) 8 at \$342 each.....	2 736.00
<b>Total Annual Licence Fee</b> .....	<b>5 288.00</b>
Quarterly Instalments.....	1 322.00

#### Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

#### SCHEDULE 4

##### Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

#### FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Emily Krstina (Australia) Pty Ltd, P.O. Box 792, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Tuna Farming Licence Number FB00001 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Tuna Farming Licence Number FB00001, issued pursuant to section 53 of the Fisheries Act 1982.

#### SCHEDULE

##### Item 1—Location Co-ordinates

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
586382E 6156505N	8
586048E 6156740N	
586156E 6156896N	
586487E 6156663N	

##### Item 2—Structures to be Installed

Sea cages 10

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Emily Krstina (Australia) Pty Ltd, P.O. Box 792, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FB00001.

## SCHEDULE 1

The importation and release of the southern bluefin tuna, *Thunnus maccoyii* within the area of water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
586382E 6156505N	8
586048E 6156740N	
586156E 6156896N	
586487E 6156663N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982

## MARINE TUNA FARMING LICENCE FB00008

*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Australian Fishing Enterprises Pty Ltd (13227)  
P.O. Box 1073  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

## 1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the

licensee in common with any other occupiers of the site from time to time.

## 2. Marked-off Areas

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

## 3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

## 4. Permitted Use

The licensee must not use the site for any purpose other than the permitted use.

## 5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

## 6. Sea Cages

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

## 7. Location of Sea Cages

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

## 8. Marking and Maintaining the Site

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

## 9. Site Inspection and Supervision

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

## 10. Fees and Returns

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;

- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

#### 11. Compliance With Relevant Laws

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
- 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
- 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

#### 12. Public Risk Indemnity

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

#### 13. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

#### 14. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

#### 15. Guarantee or Indemnity Scheme

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

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The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

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The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
- 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 17.4.2 an order is made for the winding up or liquidation of the licensee;
- 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
- 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 17.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and

18.8 time is of the essence in respect of any obligation relating to time in this licence.

19. *Delegation*

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

20. *Severance*

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

21. *Modification*

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

22. *Waiver*

22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.

22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.

22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

23. *Notices*

23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:

23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);

23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;

23.1.3 deemed to be duly served or made in the following circumstances:

- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,

but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 9 August 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Australian Fishing Enterprises Pty Ltd was hereunto affixed in the presence of:

(L.S.) S. SARIN, Director

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area Licensed Hectares

AGD 66—Zone 53

588016E	6162075N	135°57'38"	-34°40'45"	30
588676E	6161977N	135°58'04"	-34°40'48"	
588610E	6161532N	135°58'02"	-34°41'03"	
587950E	6161630N	135°57'36"	-34°41'00"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.

or

- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.

Item 2—Marked-Off Areas

Marked-off areas must be marked with no less than 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

SCHEDULE 2

Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 14

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m<sup>2</sup>.

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

TEMP Environmental Monitoring Fee (per hectare)	\$
30 at \$136 each .....	4 080.00

Base Licence Fee (per hectare) 30 at \$183 each.....	5 490.00
FRDC (per hectare) 30 at \$342 each.....	10 260.00
<b>Total Annual Licence Fee</b> .....	<b>19 830.00</b>
Quarterly Instalments.....	4 957.50

*Item 2—Public Risk Insurance*

Five million dollars (\$5 000 000).

## SCHEDULE 4

*Returns*

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

## FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Australian Fishing Enterprises Pty Ltd, P.O. Box 1073, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Tuna Farming Licence Number FB00008 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Tuna Farming Licence Number FB00008, issued pursuant to section 53 of the Fisheries Act 1982.

## SCHEDULE

*Item 1—Location Co-ordinates*

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
588016E 6162075N	30
588676E 6161977N	
588610E 6161532N	
587950E 6161630N	

*Item 2—Structures to be Installed*

Sea cages 14

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Australian Fishing Enterprises Pty Ltd,

P.O. Box 1073, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FB00008.

## SCHEDULE 1

The importation and release of the southern bluefin tuna, *Thunnus maccoyii* within the area of water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
588016E 6162075N	30
588676E 6161977N	
588610E 6161532N	
587950E 6161630N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982

## MARINE TUNA FARMING LICENCE FB00009

*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Australian Fishing Enterprises Pty Ltd (13227)  
P.O. Box 1073  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*



For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

### 3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

### 4. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

### 5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

### 6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

### 7. *Location of Sea Cages*

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

### 8. *Marking and Maintaining the Site*

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

### 9. *Site Inspection and Supervision*

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

### 10. *Fees and Returns*

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of

the information described in Schedule 4 of this licence.

### 11. *Compliance With Relevant Laws*

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
  - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
  - 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

### 12. *Public Risk Indemnity*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

### 13. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

#### 14. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

#### 15. Guarantee or Indemnity Scheme

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

#### 16. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

#### 17. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
  - 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
  - 17.4.2 an order is made for the winding up or liquidation of the licensee;
  - 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
  - 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
  - 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
  - 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other

form of composition for the benefit of the licensee's creditors; or

- 17.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 18.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 21. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 22. Waiver

- 22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 23. Notices

- 23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
  - 23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the

- licensee set out above (in the case of the licensee);
- 23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 23.1.3 deemed to be duly served or made in the following circumstances:
  - (a) if delivered, upon delivery;
  - (b) if sending by mail, upon posting;
  - (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
 but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 9 August 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Australian Fishing Enterprises Pty Ltd was hereunto affixed in the presence of:

(L.S.) S. SARIN, Director

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
586561E 6160681N 135°56'42" -34°41'31"	30
587137E 6161016N 135°57'04" -34°41'20"	
587363E 6160627N 135°57'13" -34°41'33"	
586786E 6160292N 135°56'51" -34°41'44"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
  - (2) Posts to be not less than 125 mm in diameter.
  - (3) Posts and crosses to be painted yellow.
  - (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
  - (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
  - (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
  - (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
  - (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the

licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.

Item 2—Marked-Off Areas

Marked-off areas must be marked with no less than 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

SCHEDULE 2

Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 14

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m<sup>3</sup>.

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee (per hectare)	
30 at \$136 each .....	4 080.00
Base Licence Fee (per hectare) 30 at \$183 each .....	5 490.00
FRDC (per hectare) 30 at \$342 each .....	10 260.00
<b>Total Annual Licence Fee .....</b>	<b>19 830.00</b>
Quarterly Instalments.....	4 957.50

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

## FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Australian Fishing Enterprises Pty Ltd, P.O. Box 1073, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Tuna Farming Licence Number FB00009 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Tuna Farming Licence Number FB00009, issued pursuant to section 53 of the Fisheries Act 1982.

## SCHEDULE

*Item 1—Location Co-ordinates*

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
586561E 6160681N	30
587137E 6161016N	
587363E 6160627N	
586786E 6160292N	

*Item 2—Structures to be Installed*

Sea cages 14

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Australian Fishing Enterprises Pty Ltd, P.O. Box 1073, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FB00009.

## SCHEDULE 1

The importation and release of the southern bluefin tuna, *Thunnus maccoyii* within the area of water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
586561E 6160681N	30
587137E 6161016N	
587363E 6160627N	
586786E 6160292N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Emily Krstina (Australia) Pty Ltd (13053)  
P.O. Box 792  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

## FISHERIES ACT 1982

## MARINE TUNA FARMING LICENCE FB00010

*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

7. *Location of Sea Cages*

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

8. *Marking and Maintaining the Site*

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

9. *Site Inspection and Supervision*

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

10. *Fees and Returns*

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

11. *Compliance With Relevant Laws*

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
  - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
  - 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

12. *Public Risk Indemnity*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

13. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

14. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

15. *Guarantee or Indemnity Scheme*

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

16. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

17. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:

- 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 17.4.2 an order is made for the winding up or liquidation of the licensee;
- 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
- 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 17.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 18.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 21. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 22. Waiver

- 22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 23. Notices

- 23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 23.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 9 August 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Emily Krstina (Australia) Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. SANTIC, Director

A. WHITTAKER, Secretary

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
589078E 6160618N 135°58'21" -34°41'32"	30
589634E 6160846N 135°58'42" -34°41'25"	
589824E 6160383N 135°58'50" -34°41'40"	
589269E 6160155N 135°58'28" -34°41'47"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
  - (2) Posts to be not less than 125 mm in diameter.
  - (3) Posts and crosses to be painted yellow.
  - (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
  - (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
  - (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
  - (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
  - (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.

Item 2—Marked-Off Areas

Marked-off areas must be marked with no less than 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

SCHEDULE 2

Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 14

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m<sup>3</sup>.

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee (per hectare)	
30 at \$136 each.....	4 080.00
Base Licence Fee (per hectare) 30 at \$183 each.....	5 490.00
FRDC (per hectare) 30 at \$342 each.....	10 260.00
<b>Total Annual Licence Fee</b> .....	<b>19 830.00</b>
Quarterly Instalments.....	4 957.50

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Emily Krstina (Australia) Pty Ltd, P.O. Box 792, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Tuna Farming Licence Number FB00010 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Tuna Farming Licence Number FB00010, issued pursuant to section 53 of the Fisheries Act 1982.

SCHEDULE

Item 1—Location Co-ordinates

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
589078E 6160618N	30
589634E 6160846N	
589824E 6160383N	
589269E 6160155N	

Item 2—Structures to be Installed

Sea cages 14  
Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Emily Krstina (Australia) Pty Ltd, P.O. Box 792, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FB00010.

SCHEDULE 1

The importation and release of the southern bluefin tuna, *Thunnus maccoyii* within the area of water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
589078E 6160618N	30
589634E 6160846N	
589824E 6160383N	
589269E 6160155N	

#### SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982

##### MARINE TUNA FARMING LICENCE FB00011

##### *Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Ajka Pty Ltd (1673)  
Marnikol Fisheries Pty Ltd (13228)  
P.O. Box 10  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

#### CONDITIONS OF THIS LICENCE

##### 1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

##### 2. Marked-off Areas

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

##### 3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

##### 4. Permitted Use

The licensee must not use the site for any purpose other than the permitted use.

##### 5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

##### 6. Sea Cages

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

##### 7. Location of Sea Cages

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

##### 8. Marking and Maintaining the Site

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

##### 9. Site Inspection and Supervision

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.



**10. Fees and Returns**

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

**11. Compliance With Relevant Laws**

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
  - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
  - 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

**12. Public Risk Indemnity**

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

**13. Release**

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

**14. Public Risk Insurance**

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

**15. Guarantee or Indemnity Scheme**

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

**16. No Assignment**

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

**17. Default by Licensee and Termination**

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
  - 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
  - 17.4.2 an order is made for the winding up or liquidation of the licensee;
  - 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
  - 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
  - 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
  - 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
  - 17.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

**18. Interpretation**

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;

- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 18.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 21. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 22. Waiver

- 22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 23. Notices

- 23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 23.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 23 July 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Marnikol Fisheries Pty Ltd was hereunto affixed in the presence of:

(L.S.) M. VALCIC, Director

The Common Seal of AJKA Pty Ltd was hereunto affixed in the presence of:

(L.S.) G. HONEYCHURCH, Director

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
587548E 6159578N 135°57'21" -34°42'07"	30
588196E 6159954N 135°57'46" -34°41'54"	
588397E 6159608N 135°57'54" -34°42'05"	
587748E 6159232N 135°57'29" -34°42'18"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

*When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.*

*All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.*

##### Item 2—Marked-Off Areas

Marked-off areas must be marked with no less than 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

## SCHEDULE 2

*Permitted Species*

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Permitted Farming Methods*

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 14

*Stocking Rates*

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m<sup>3</sup>.

## SCHEDULE 3

*Item 1—Fees*

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee (per hectare)	
30 at \$136 each.....	4 080.00
Base Licence Fee (per hectare) 30 at \$183 each.....	5 490.00
FRDC (per hectare) 30 at \$342 each.....	10 260.00
<b>Total Annual Licence Fee</b> .....	<b>19 830.00</b>
Quarterly Instalments.....	4 957.50

*Item 2—Public Risk Insurance*

Five million dollars (\$5 000 000).

## SCHEDULE 4

*Returns*

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

## FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Ajka Pty Ltd and Marnikol Fisheries Pty Ltd, P.O. Box 10, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Tuna Farming Licence Number FB00011 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Tuna Farming Licence Number FB00011, issued pursuant to section 53 of the Fisheries Act 1982.

## SCHEDULE

*Item 1—Location Co-ordinates*

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
587548E 6159578N	30
588196E 6159954N	
588397E 6159608N	
587748E 6159232N	

*Item 2—Structures to be Installed*

Sea cages 14  
Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Australian Fishing Enterprises Pty Ltd, P.O. Box 1073, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FB00011.

## SCHEDULE 1

The importation and release of the southern bluefin tuna, *Thunnus maccoyii* within the area of water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
587548E 6159578N	30
588196E 6159954N	
588397E 6159608N	
587748E 6159232N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982

## MARINE TUNA FARMING LICENCE FB00012

*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Australian Bluefin Pty Ltd (1720)  
Stehr, M. A. (13911)  
P.O. Box 1607  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and

- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

7. *Location of Sea Cages*

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

8. *Marking and Maintaining the Site*

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

9. *Site Inspection and Supervision*

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

10. *Fees and Returns*

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

11. *Compliance With Relevant Laws*

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
  - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
  - 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

### 12. Public Risk Indemnity

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

### 13. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

### 14. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

### 15. Guarantee or Indemnity Scheme

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

### 16. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

### 17. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
  - 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
  - 17.4.2 an order is made for the winding up or liquidation of the licensee;

17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;

17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or

17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or

17.5 if the licensee is an individual, the licensee:

17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or

17.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

### 18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 18.8 time is of the essence in respect of any obligation relating to time in this licence.

### 19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

### 20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

### 21. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

### 22. Waiver

- 22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the

- Minister or by persons duly authorised to execute such a document on the Minister's part.
- 22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.
23. Notices
- 23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 23.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 9 August 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Australian Bluefin Pty Ltd was hereunto affixed in the presence of:

(L.S.) D. PUGLISI, Director

R. WRIGHT, Secretary

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
587284E 6158017N 135°57'11" -34°42'57"	30
587664E 6158142N 135°57'26" -34°42'53"	
587898E 6157430N 135°57'35" -34°43'16"	
587518E 6157305N 135°57'21" -34°43'20"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.

- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

*When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.*

*All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.*

#### Item 2—Marked-Off Areas

Marked-off areas must be marked with no less the 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

#### SCHEDULE 2

##### Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

##### Southern Bluefin Tuna (*Thunnus maccoyii*)

##### Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

##### Sea Cages 14

##### Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m<sup>3</sup>.

#### SCHEDULE 3

##### Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee (per hectare)	
30 at \$136 each .....	4 080.00
Base Licence Fee (per hectare) 30 at \$183 each .....	5 490.00
FRDC (per hectare) 30 at \$342 each .....	10 260.00
<b>Total Annual Licence Fee .....</b>	<b>19 830.00</b>
Quarterly Instalments.....	4 957.50

##### Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

#### SCHEDULE 4

##### Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

- Name of licensee.
- Address of licensee.
- Species of fish farmed and held on the site.
- Location of aquaculture operation.
- Period covered by return.
- Number of life stage of each species of fish held.
- Number, weight and value of each species of fish held.
- Details of any disease detected in any fish kept.

9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982:SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Australian Bluefin Pty Ltd and M. A. Stehr, P.O. Box 1607, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Tuna Farming Licence Number FB00012 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Tuna Farming Licence Number FB00012, issued pursuant to section 53 of the Fisheries Act 1982.

SCHEDULE

Item 1—Location Co-ordinates

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
587284E 6158017N	30
587664E 6158142N	
587898E 6157430N	
587518E 6157305N	

Item 2—Structures to be Installed

Sea cages 14

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Australian Bluefin Pty Ltd and M. A. Stehr, P.O. Box 1607, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FB00012.

SCHEDULE 1

The importation and release of the southern bluefin tuna, *Thunnus maccoyii* within the area of water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
587284E 6158017N	30
587664E 6158142N	
587898E 6157430N	
587518E 6157305N	

SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00014

Licence to Farm Fish under section 53 of the Fisheries Act 1982

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Australian Bluefin Pty Ltd (1720)  
P.O. Box 1607  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

## 2. *Marked-off Areas*

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

## 3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

## 4. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

## 5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

## 6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

## 7. *Location of Sea Cages*

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

## 8. *Marking and Maintaining the Site*

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

## 9. *Site Inspection and Supervision*

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

## 10. *Fees and Returns*

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

## 11. *Compliance With Relevant Laws*

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
  - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
  - 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

## 12. *Public Risk Indemnity*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

## 13. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

## 14. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

## 15. *Guarantee or Indemnity Scheme*

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

## 16. *No Assignment*



The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

#### 17. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
  - 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
  - 17.4.2 an order is made for the winding up or liquidation of the licensee;
  - 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
  - 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
  - 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
  - 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
  - 17.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;

18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;

18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and

18.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 21. Modification

No variation or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 22. Waiver

22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.

22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.

22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 23. Notices

23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:

23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);

23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;

23.1.3 deemed to be duly served or made in the following circumstances:

(a) if delivered, upon delivery;

(b) if sending by mail, upon posting;

(c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,

but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 9 August 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Australian Bluefin Pty Ltd was hereunto affixed in the presence of:

(L.S.) D. PUGLISI, Director  
R. WRIGHT, Secretary

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
588575E 6158555N 135°58'02" -34°42'39"	30
588991E 6158726N 135°58'18" -34°42'34"	
589245E 6158109N 135°58'28" -34°42'54"	
588829E 6157938N 135°58'12" -34°42'59"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.

##### Item 2—Marked-Off Areas

Marked-off areas must be marked with no less the 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

#### SCHEDULE 2

##### Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Southern Bluefin Tuna (*Thunnus maccoyii*)

##### Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 14

##### Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m<sup>3</sup>.

#### SCHEDULE 3

##### Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee (per hectare)	
30 at \$136 each .....	4 080.00
Base Licence Fee (per hectare) 30 at \$183 each .....	5 490.00
FRDC (per hectare) 30 at \$342 each .....	10 260.00
<b>Total Annual Licence Fee .....</b>	<b>19 830.00</b>
Quarterly Instalments.....	4 957.50

##### Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

#### SCHEDULE 4

##### Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

- Name of licensee.
- Address of licensee.
- Species of fish farmed and held on the site.
- Location of aquaculture operation.
- Period covered by return.
- Number of life stage of each species of fish held.
- Number, weight and value of each species of fish held.
- Details of any disease detected in any fish kept.
- Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
- If any fish were brought into the state, the number of fish and the life stage of the fish.
- If fish were brought into the state, the purpose for which they were brought in.
- Method of disposal of water and packaging use for transporting the fish.
- If any disease or symptom of disease occurred in the acquired fish.
- Method of disposal of diseased or dead fish and the number disposed of.
- Signature, date and telephone number.
- Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

#### FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Australian Bluefin Pty Ltd, P.O. Box 1607, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Tuna Farming Licence Number FB00014 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Tuna Farming Licence Number FB00014, issued pursuant to section 53 of the Fisheries Act 1982.

#### SCHEDULE

##### Item 1—Location Co-ordinates

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
588575E 6158555N	30
588991E 6158726N	
589245E 6158109N	
588829E 6157938N	

##### Item 2—Structures to be Installed

Sea cages 14

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Australian Bluefin Pty Ltd, P.O. Box 1607, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FB00014.

SCHEDULE 1

The importation and release of the southern bluefin tuna, *Thunnus maccoyii* within the area of water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
588575E 6158555N	30
588991E 6158726N	
589245E 6158109N	
588829E 6157938N	

SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00015

*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Emily Krstina (Australia) Pty Ltd (13053)  
Kinkawooka Pty Ltd (13225)  
Sea Marine Holdings Pty Ltd (13230)  
P.O. Box 1829  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

7. *Location of Sea Cages*

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

8. *Marking and Maintaining the Site*

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from

time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;

- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

#### 9. *Site Inspection and Supervision*

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

#### 10. *Fees and Returns*

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

#### 11. *Compliance With Relevant Laws*

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
- 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
- 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

#### 12. *Public Risk Indemnity*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

#### 13. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

#### 14. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

#### 15. *Guarantee or Indemnity Scheme*

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

#### 16. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

#### 17. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
- 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 17.4.2 an order is made for the winding up or liquidation of the licensee;
- 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
- 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other

form of composition for the benefit of the licensee's creditors; or

17.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 18.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 21. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 22. Waiver

- 22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 23. Notices

- 23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
  - 23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the

licensee set out above (in the case of the licensee);

23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;

23.1.3 deemed to be duly served or made in the following circumstances:

- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,

but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 9 August 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Sea Marine Holdings Pty Ltd (ACN 055 242 290) was hereunto affixed in the presence of:

(L.S.) T. FORSTER, Director  
C. LAMPARD, Secretary

The Common Seal of Kinkawooka Pty Ltd was hereunto affixed in the presence of:

(L.S.) A. PUGLISI, Director  
B. PUGLISI, Secretary

The Common Seal of Emily Krstina (Australia) Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. SANTIC, Director  
A. WHITTAKER, Secretary

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
585749E 6162066N 135°56'09" -34°40'46"	30
586179E 6162321N 135°56'26" -34°40'38"	
586485E 6161805N 135°56'38" -34°40'55"	
586055E 6161550N 135°56'21" -34°41'03"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
  - (2) Posts to be not less than 125 mm in diameter.
  - (3) Posts and crosses to be painted yellow.
  - (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
  - (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
  - (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.

- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.

#### Item 2—Marked-Off Areas

Marked-off areas must be marked with no less than 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

#### SCHEDULE 2

##### Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

##### Southern Bluefin Tuna (*Thunnus maccoyii*)

##### Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 14

##### Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m<sup>2</sup>.

#### SCHEDULE 3

##### Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee (per hectare) 30 at \$136 each.....	4 080.00
Base Licence Fee (per hectare) 30 at \$183 each.....	5 490.00
FRDC (per hectare) 30 at \$342 each.....	10 260.00
<b>Total Annual Licence Fee.....</b>	<b>19 830.00</b>
Quarterly Instalments.....	4 957.50

##### Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

#### SCHEDULE 4

##### Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

- Name of licensee.
- Address of licensee.
- Species of fish farmed and held on the site.
- Location of aquaculture operation.
- Period covered by return.
- Number of life stage of each species of fish held.
- Number, weight and value of each species of fish held.
- Details of any disease detected in any fish kept.
- Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
- If any fish were brought into the state, the number of fish and the life stage of the fish.
- If fish were brought into the state, the purpose for which they were brought in.

- Method of disposal of water and packaging use for transporting the fish.
- If any disease or symptom of disease occurred in the acquired fish.
- Method of disposal of diseased or dead fish and the number disposed of.
- Signature, date and telephone number.
- Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

#### FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Emily Krstina (Australia) Pty Ltd, Kinkawooka Pty Ltd and Sea Marine Holdings Pty Ltd, P.O. Box 1829, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Tuna Farming Licence Number FB00015 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Tuna Farming Licence Number FB00015, issued pursuant to section 53 of the Fisheries Act 1982.

#### SCHEDULE

##### Item 1—Location Co-ordinates

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
585749E 6162066N	30
586179E 6162321N	
586485E 6161805N	
586055E 6161550N	

##### Item 2—Structures to be Installed

Sea cages 14

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Emily Krstina (Australia) Pty Ltd, Kinkawooka Pty Ltd and Sea Marine Holdings Pty Ltd, P.O. Box 1829, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FB00015.

#### SCHEDULE 1

The importation and release of the southern bluefin tuna, *Thunnus maccoyii* within the area of water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
585749E 6162066N	30
586179E 6162321N	
586485E 6161805N	
586055E 6161550N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Southern Lobster Farmers Pty Ltd, P.O. Box 267, Port Lincoln, S.A. 5606 or persons acting as their agents (hereinafter referred to as the 'permit holder'), are exempt from the provisions of sections 50 and 53 of the Fisheries Act 1982, insofar as they may engage in the activities and do the acts specified in Schedule 1 (hereinafter referred to as the 'permitted use') during the times specified in Schedule 2 subject to the conditions specified in Schedule 3 from the waters specified in Schedule 4 (hereinafter referred to as 'the site').

## SCHEDULE 1

The deposit and subsequent removal and sale of Southern Rock Lobster (*Jasus edwardsii*), hereinafter referred to as the 'permitted species' into cages located in the area of water specified in Schedule 4, for the purpose of conducting research and development into their farming.

## SCHEDULE 2

This permit is valid to 2400 hours on 30 June 2000.

## SCHEDULE 3

1. The permit holder must not farm or introduce any species at the site other than the permitted species.

2. The permit holder must not use the site for any purpose other than the permitted use.

3. The permit holder must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister for Primary Industries, Natural Resources and Regional Development (hereinafter referred to as the 'Minister').

4. The permit holder must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any instructions issued from time to time by the Minister or an officer acting on his behalf in relation to the removal from the site of any unhealthy or dead fish.

5. The permit holder must mark the site boundary in accordance with any requirements of the Harbors and Navigation Act 1993 or other applicable Acts.

6. The permit holder must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site.

7. The permit holder must comply with all reasonable directions of any such person authorised by the Minister to inspect the conduct of the permit holder's activities at the site.

8. The permit holder must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site.

9. The permit holder must not do or permit to be done in, upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment.

10. The permit holder must maintain a stock movement register for all of the permitted species introduced onto the site. The information must be recorded in sufficient detail so as to identify:

- the provider of each batch of stock, including the name and signature of the permit holder or the permit holder's delegate;
- all movements of stock onto and removed from the site;
- the date on which the stock was placed on or removed from the site;
- the numbers of stock moved on each occasion;
- mortalities of stock;
- the number of stock held on site at the first day of every month.

11. The permit holder must ensure the stock movement register is written in ink in a bound book with consecutively numbered pages, each entry must be made immediately below the previous entry and each page must be filled before commencing the next page.

12. The permit holder must keep the stock movements register for 12 months from the date of last entry. A photocopy of the register must be forwarded to PIRSA Fisheries Aquaculture Compliance on or before 30 June 2000.

13. The permit holder must not use chemical or drug for therapeutic or prophylactic purpose except with the prior approval of the Minister.

14. In the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the permit holder must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

15. The permit holder must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgements, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

16. The Minister may terminate this permit immediately by notice in writing served on the permit holder.

17. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

18. The permit holder must retain a copy of this permit which has been supplied by the Minister, and if requested by a PIRSA Fisheries and Aquaculture Officer produce that permit for inspection.

## SCHEDULE 4

Licensed Area		Licensed Hectares
AGD 66—Zone 53		
579480E	6160580N	1
579580E	6160580N	
579580E	6160480N	
579480E	6160480N	

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

FC00005

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Boston Shellfish Pty Ltd (ACN 086 043 530), c/o Court & Company, First Floor, 64 Greenhill Road, Wayville, S.A. 5034 or persons acting as their agents (hereinafter referred to as the 'permit holder'), are exempt from the provisions of sections 50 and 53 of the Fisheries Act 1982, insofar as they may engage in the activities and do the acts specified in Schedule 1 (hereinafter referred to as the 'permitted use') during the times specified in Schedule 2 subject to the conditions specified in Schedule 3 from the waters specified in Schedule 4 (hereinafter referred to as 'the site').

## SCHEDULE 1

The deposit and subsequent removal of Southern Rock Lobster (*Jasus edwardsii*), hereinafter referred to as the 'permitted species' into cages located in the area of water specified in Schedule 4, for the purpose of conducting research and development into their farming.

SCHEDULE 2

This permit is valid to 2400 hours on 30 June 2000.

SCHEDULE 3

1. The permit holder must not farm or introduce any species at the site other than the permitted species.

2. The permit holder must not use the site for any purpose other than the permitted use.

3. The permit holder must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister for Primary Industries, Natural Resources and Regional Development (hereinafter referred to as the 'Minister').

4. The permit holder must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any instructions issued from time to time by the Minister or an officer acting on his behalf in relation to the removal from the site of any unhealthy or dead fish.

5. The permit holder must mark the site boundary in accordance with any requirements of the Harbors and Navigation Act 1993 or other applicable Acts.

6. The permit holder must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site.

7. The permit holder must comply with all reasonable directions of any such person authorised by the Minister to inspect the conduct of the permit holder's activities at the site.

8. The permit holder must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site.

9. The permit holder must not do or permit to be done in, upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment.

10. The permit holder must maintain a stock movement register for all of the permitted species introduced onto the site. The information must be recorded in sufficient detail so as to identify:

- the provider of each batch of stock, including the name and signature of the permit holder or the permit holder's delegate;
- all movements of stock onto and removed from the site;
- the date on which the stock was placed on or removed from the site;
- the numbers of stock moved on each occasion;
- mortalities of stock;
- the number of stock held on site at the first day of every month.

11. The permit holder must ensure the stock movement register is written in ink in a bound book with consecutively numbered pages, each entry must be made immediately below the previous entry and each page must be filled before commencing the next page.

12. The permit holder must keep the stock movements register for 12 months from the date of last entry. A photocopy of the register must be forwarded to PIRSA Fisheries Aquaculture Compliance on or before 30 June 2000.

13. The permit holder must not use chemical or drug for therapeutic or prophylactic purpose except with the prior approval of the Minister.

14. In the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the permit holder must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

15. The permit holder must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgements, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

16. The Minister may terminate this permit immediately by notice in writing served on the permit holder.

17. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

18. The permit holder must retain a copy of this permit which has been supplied by the Minister, and if requested by a PIRSA Fisheries and Aquaculture Officer produce that permit for inspection.

SCHEDULE 4

Licensed Area		Licensed Hectares
AGD 66—Zone 53		
579551E	6163492N	1
579551E	6163392N	
579451E	6163392N	
579451E	6163492N	

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

FC00008

FISHERIES ACT 1982

MARINE FINFISH FARMING LICENCE FF00021  
(PREVIOUS LICENCE NO. F1534)

*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Navajo Pty Ltd (13006)  
2/11 Flinders Highway,  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and



- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

#### 2. *Marked-off Areas*

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

#### 3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

#### 4. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

#### 5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.
- 5.5 must conduct an environmental monitoring program as set out in Schedule 5 of this licence.

#### 6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

#### 7. *Location of Sea Cages*

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

#### 8. *Marking and Maintaining the Site*

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

#### 9. *Site Inspection and Supervision*

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

#### 10. *Fees and Returns*

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

#### 11. *Compliance With Relevant Laws*

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
  - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
  - 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

#### 12. *Public Risk Indemnity*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

#### 13. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

#### 14. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

### 15. *Guarantee or Indemnity Scheme*

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

### 16. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

### 17. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
  - 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
  - 17.4.2 an order is made for the winding up or liquidation of the licensee;
  - 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
  - 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
  - 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
  - 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
  - 17.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

### 18. *Interpretation*

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 18.8 time is of the essence in respect of any obligation relating to time in this licence.

### 19. *Delegation*

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

### 20. *Severance*

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

### 21. *Modification*

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

### 22. *Waiver*

- 22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

### 23. *Notices*

- 23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
  - 23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
  - 23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
  - 23.1.3 deemed to be duly served or made in the following circumstances:
    - (a) if delivered, upon delivery;
    - (b) if sending by mail, upon posting;

(c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,

but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 29 July 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Navajo Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. R. BRYANT, Director

L. BRYANT, Secretary

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
679535E 6269531N 136°56'13" -33°41'56"	5
679686E 6269645N 136°56'19" -33°41'52"	
679797E 6269409N 136°56'24" -33°41'59"	
679640E 6269300N 136°56'18" -33°42'03"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
  - (2) Posts to be not less than 125 mm in diameter.
  - (3) Posts and crosses to be painted yellow.
  - (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
  - (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
  - (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
  - (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
  - (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'F number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'F number'; that is the licence number.

Item 2—Marked-Off Areas

Marked-off areas must be marked with no less the 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

SCHEDULE 2

Permitted Species

The Director of Fisheries has, pursuant to section 48 G (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Snapper (*Pagrus auratus*)

Australian Herring (Tommy Ruff) (*Arripis georgianus*)

Yellowtail King Fish (*Seriola lalandi*)

Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 5

Stocking Rates

The maximum standing stock on the site must not exceed 25 tonnes.

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
Base Licence Fee .....	681.00
<b>Total Annual Licence Fee</b> .....	<b>681.00</b>
Quarterly Instalments .....	170.25

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

## SCHEDULE 5

*Approved Environmental Monitoring Program*

An Environmental Monitoring Program for the site must comply with the relevant schedule of Guidelines for Licensing Discharges to the Marine Environment, November 1993, pursuant to the Environment Protection Act 1993

The licensee must submit a draft Environmental Monitoring Program in writing to the Director of Fisheries within 60 days after the grant of the Licence by the Minister.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Navajo Pty Ltd, 2/11 Flinders Highway, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Finfish Farming Licence Number FF00021 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Finfish Farming Licence Number FF00021, issued pursuant to section 53 of the Fisheries Act 1982.

## SCHEDULE

*Item 1—Location Co-ordinates*

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
679535E 6269531N	5
679686E 6269645N	
679797E 6269409N	
679640E 6269300N	

*Item 2—Structures to be Installed*

Sea cages 5

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Navajo Pty Ltd, 2/11 Flinders Highway, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FF00021.

## SCHEDULE 1

The importation and release of:

Snapper *Pagrus auratus*

Australian Herring (Tommy ruff) *Arripis georgianus*

Yellowtail King Fish *Seriola lalandi*

within the area of the water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
679535E 6269531N	5
679686E 6269645N	
679797E 6269409N	
679640E 6269300N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

## FISHERIES ACT 1982

## MARINE FINFISH FARMING LICENCE F00030

*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the below mentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Craig N. Edwards (1186)  
1 Blessing Street,  
Whyalla Playford, S.A. 5600,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;

- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.
- 5.5 must conduct an environmental monitoring program as set out in Schedule 5 of this licence.

#### 6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

#### 7. *Location of Sea Cages*

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

#### 8. *Marking and Maintaining the Site*

The licensee:

- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

#### 9. *Site Inspection and Supervision*

The licensee:

- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

#### 10. *Fees and Returns*

The licensee:

- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

#### 11. *Compliance With Relevant Laws*

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
- 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
- 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the

conduct of the permitted use or else conduct the permitted use as directed within the notice.

#### 12. *Public Risk Indemnity*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

#### 13. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

#### 14. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

#### 15. *Guarantee or Indemnity Scheme*

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

#### 16. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

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The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
- 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;

- 17.4.2 an order is made for the winding up or liquidation of the licensee;
- 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
- 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 17.5.2 is convicted of an indictable offence.
- Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 18.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 21. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 22. Waiver

- 22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 23. Notices

- 23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 23.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 23 July 1999.

G. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

C. N. EDWARDS

G. N. EDWARDS, Witness

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
759519E 6352164N 137°46'32" -32°56'16"	20
759974E 6352152N 137°46'50" -32°56'16"	
759971E 6351714N 137°46'50" -32°56'30"	
759513E 6351725N 137°46'32" -32°56'30"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and

the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.

or

- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'F number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'F number'; that is the licence number.

*Item 2—Marked-Off Areas*

Marked-off areas must be marked with no less the 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

SCHEDULE 2

*Permitted Species*

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Snapper (*Pagrus auratus*)

Yellowtail King Fish (*Seriola lalandi*)

*Permitted Farming Methods*

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 12

*Stocking Rates*

The maximum stocking density of fish on the site must not exceed 10 kg/m<sup>3</sup>.

The maximum standing stock on the site must not exceed 200 tonnes.

Twelve sea cages each with a maximum circumference of 80 m.

SCHEDULE 3

*Item 1—Fees*

Annual licence fees are:

	\$
Base Licence Fee.....	681.00
<b>Total Annual Licence Fee.....</b>	<b>681.00</b>
Quarterly Instalments.....	170.25

*Item 2—Public Risk Insurance*

Five million dollars (\$5 000 000).

SCHEDULE 4

*Returns*

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

SCHEDULE 5

*Approved Environmental Monitoring Program*

An Environmental Monitoring Program for the site must comply with the general requirements for environmental monitoring specified in the Decision Notification Form issued for the site under Regulation 42 of the Development Regulations 1993.

An Environmental Monitoring Program for the site must comply with the relevant schedule of Guidelines for Licensing Discharges to the Marine Environment, November 1993, pursuant to the Environment Protection Act 1993

The licensee must submit a draft Environmental Monitoring Program in writing to the Director of Fisheries within 60 days after the grant of the Licence by the Minister.

FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Craig N. Edwards, 1 Blessing Street Whyalla Playford, S.A. 5600 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with the application for Marine Finfish Farming Licence Number FF00030 (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Finfish Farming Licence Number FF00030, issued pursuant to section 53 of the Fisheries Act 1982.

## SCHEDULE

## Item 1—Location Co-ordinates

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
759519E 6352164N	20
759974E 6352152N	
759971E 6351714N	
759513E 6351725N	

## Item 2—Structures to be Installed

Sea cages 12

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby authorise Craig N. Edwards, 1 Blessing Street Whyalla Playford, S.A. 5600 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FF00030.

## SCHEDULE 1

The importation and release of the Snapper (*Pagrus auratus*), Yellow Tail Kingfish (*Seriol lalandi*) within the area of water defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
759519E 6352164N	20
759974E 6352152N	
759971E 6351714N	
759513E 6351725N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

4. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, A. Raptis & Sons Pty Ltd (hereinafter referred to as the 'permit holder'), 1 Port Road, Hindmarsh, S.A. 5007 the holder of Marine Mollusc Farming Licence FM00002 engaged in the farming of Blue mussels, Pacific oysters and Native oysters is exempt from licence conditions 3.1, 4 and 5.4, but only insofar as they may allow the farming of those fish specified in schedule 1 (the 'permitted species') subject to the conditions specified in Schedule 2 (hereinafter referred to as the 'permitted activity') for the purpose of research into their farming from the waters in Schedule 3.

## SCHEDULE 1

Queen scallops	<i>Chlamys bifrons</i>
Doughboy scallops	<i>Chlamys asperrimus</i>

## SCHEDULE 2

1. The permit holder may only engage in the permitted activity until 30 June 2000.

2. Fish subject to this permit remain under the care and control of the South Australian Research and Development Institute (SARDI) as part of their scallop research program and must be taken from the waters in keeping with authorisations held by SARDI.

3. The length of longline utilised for scallop culture must not exceed 50m.

4. The permit holder must take and farm the permitted species in keeping with the terms and conditions of Marine Mollusc Farming Licence FM00002.

5. The permit holder must not contravene or fail to comply with the Fisheries Act 1982 or any regulations made under the Act, except where specifically exempted by this notice.

6. The permit holder must ensure that all fish subject to this permit are taken from the water.

7. The permit holder must be in possession of a copy of this permit while engaging in the permitted activity. The copy must be produced to a Fisheries and Aquaculture Compliance Officer upon request.

## SCHEDULE 3

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
753108E 6041004N	50
753470E 6040382N	
754073E 6040729N	
753711E 6041351N	

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

FM00002

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, David Appleby, 5 Betts Street, Streaky Bay, S.A. 5680 or persons acting as his agents (hereinafter referred to as the 'permit holder'), is exempt from the provisions of sections 50 and 53 of the Fisheries Act 1982, insofar as they may engage in the activities and do the acts specified in Schedule 1 (hereinafter referred to as the 'permitted use') during the times specified in Schedule 2 subject to the conditions specified in Schedule 3 from the waters specified in Schedule 4 (hereinafter referred to as 'the site').

## SCHEDULE 1

The deposit and subsequent removal of Pacific oysters (*Crassostrea gigas*), hereinafter referred to as the 'permitted species' into baskets and racks for research and development located in the area of water specified in Schedule 4, for the purpose of conducting research and development.

## SCHEDULE 2

This permit is valid to 2400 hours on 1 January 2000.

## SCHEDULE 3

1. The permit holder must not farm or introduce any species at the site other than the permitted species.

2. The permit holder must not use the site for any purpose other than the permitted use.

3. The permit holder must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister for Primary Industries, Natural Resources and Regional Development (hereinafter referred to as the 'Minister').

4. The permit holder must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any instructions issued from time to time by the Minister or an officer acting on his behalf in relation to the removal from the site of any unhealthy or dead fish.

5. The permit holder must mark the site boundary in accordance with any requirements of the Harbors and Navigation Act 1993 or other applicable Acts.



6. The permit holder must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site.

7. The permit holder must comply with all reasonable directions of any such person authorised by the Minister to inspect the conduct of the permit holder's activities at the site.

8. The permit holder must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site.

9. The permit holder must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment.

10. The Minister may terminate this permit immediately by notice in writing served on the permit holder.

11. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulation made under the Act, except where specifically permitted by this notice.

12. The permit holder must retain a copy of this permit which has been supplied by the Minister, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

#### SCHEDULE 4

Licensed Area		Licensed Hectares
AGD 66—Zone 53		
424800E	6379483N	0.25
424913E	6379432N	
424913E	6379414N	
424800E	6379465N	

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

FM00226

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Evans Oysters Pty Ltd, 79 Wells Street, Streaky Bay, S.A. 5680 or persons acting as their agents (hereinafter referred to as the 'permit holder') are exempt from the provisions of sections 50 and 53 of the Fisheries Act 1982, insofar as they may engage in the activities and do the acts specified in Schedule 1 (hereinafter referred to as the 'permitted use') during the times specified in Schedule 2 subject to the conditions specified in Schedule 3 from the waters specified in Schedule 4 (hereinafter referred to as 'the site').

#### SCHEDULE 1

The deposit and subsequent removal of Pacific oysters (*Crassostrea gigas*), hereinafter referred to as the 'permitted species' into baskets and racks for research and development located in the area of water specified in Schedule 4, for the purpose of conducting research and development.

#### SCHEDULE 2

This permit is valid to 2400 hours on 30 June 2000.

#### SCHEDULE 3

1. The permit holder must not farm or introduce any species at the site other than the permitted species.

2. The permit holder must not use the site for any purpose other than the permitted use.

3. The permit holder must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister for Primary Industries, Natural Resources and Regional Development (hereinafter referred to as the 'Minister').

4. The permit holder must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any instructions issued from time to time by the Minister or an officer acting on his behalf in relation to the removal from the site of any unhealthy or dead fish.

5. The permit holder must mark the site boundary in accordance with any requirements of the Harbors and Navigation Act 1993 or other applicable Acts.

6. The permit holder must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site.

7. The permit holder must comply with all reasonable directions of any such person authorised by the Minister to inspect the conduct of the permit holder's activities at the site.

8. The permit holder must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site.

9. The permit holder must not do or permit to be done in, upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment.

10. The Minister may terminate this permit immediately by notice in writing served on the permit holder.

11. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulation made under the Act, except where specifically permitted by this notice.

12. The permit holder must retain a copy of this permit which has been supplied by the Minister, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

#### SCHEDULE 4

Licensed Area		Licensed Hectares
AGD 66—Zone 53		
425004E	6379430N	0.25
425026E	6379420N	
425027E	6379310N	
425002E	6379320N	

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

FM00227

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Chrisinda Pty Ltd, 15 George Street, Ceduna, S.A. 5690 or persons acting as their agents (hereinafter referred to as the 'permit holder') are exempt from the provisions of sections 50 and 53 of the Fisheries Act 1982, insofar as they may engage in the activities and do the acts specified in Schedule 1 (hereinafter referred to as the 'permitted use') during the times specified in Schedule 2 subject to the conditions specified in Schedule 3 from the waters specified in Schedule 4 (hereinafter referred to as 'the site').

#### SCHEDULE 1

The deposit and subsequent removal of Pacific oysters (*Crassostrea gigas*), hereinafter referred to as the 'permitted species' into baskets and racks for research and development located in the area of water specified in Schedule 4, for the purpose of conducting research and development.

#### SCHEDULE 2

This permit is valid to 2400 hours on 30 June 2000.

#### SCHEDULE 3

1. The permit holder must not farm or introduce any species at the site other than the permitted species.

2. The permit holder must not use the site for any purpose other than the permitted use.

3. The permit holder must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister

for Primary Industries, Natural Resources and Regional Development (hereinafter referred to as the 'Minister').

4. The permit holder must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any instructions issued from time to time by the Minister or an officer acting on his behalf in relation to the removal from the site of any unhealthy or dead fish.

5. The permit holder must mark the site boundary in accordance with any requirements of the Harbors and Navigation Act 1993 or other applicable Acts.

6. The permit holder must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site.

7. The permit holder must comply with all reasonable directions of any such person authorised by the Minister to inspect the conduct of the permit holder's activities at the site.

8. The permit holder must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site.

9. The permit holder must not do or permit to be done in, upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment.

10. The Minister may terminate this permit immediately by notice in writing served on the permit holder.

11. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulation made under the Act, except where specifically permitted by this notice.

12. The permit holder must retain a copy of this permit which has been supplied by the Minister, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

#### SCHEDULE 4

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
424938E	6379460N
424960E	6379450N
424958E	6379340N
424936E	6379350N

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

FM00228

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Brenton M. Williams, 34 Dodgson Drive, Streaky Bay, S.A. 5680 or persons acting as his agents (hereinafter referred to as the 'permit holder') is exempt from the provisions of sections 50 and 53 of the Fisheries Act 1982, insofar as they may engage in the activities and do the acts specified in Schedule 1 (hereinafter referred to as the 'permitted use') during the times specified in Schedule 2 subject to the conditions specified in Schedule 3 from the waters specified in Schedule 4 (hereinafter referred to as 'the site').

#### SCHEDULE 1

The deposit and subsequent removal of Pacific oysters (*Crassostrea gigas*), hereinafter referred to as the 'permitted species' into baskets and racks for research and development located in the area of water specified in Schedule 4, for the purpose of conducting research and development.

#### SCHEDULE 2

This permit is valid to 2400 hours on 1 January 2000.

#### SCHEDULE 3

1. The permit holder must not farm or introduce any species at the site other than the permitted species.

2. The permit holder must not use the site for any purpose other than the permitted use.

3. The permit holder must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister for Primary Industries, Natural Resources and Regional Development (hereinafter referred to as the 'Minister').

4. The permit holder must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any instructions issued from time to time by the Minister or an officer acting on his behalf in relation to the removal from the site or any unhealthy or dead fish.

5. The permit holder must mark the site boundary in accordance with any requirements of the Harbors and Navigation Act 1993 or other applicable Acts.

6. The permit holder must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site.

7. The permit holder must comply with all reasonable directions of any such person authorised by the Minister to inspect the conduct of the permit holder's activities at the site.

8. The permit holder must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site.

9. The permit holder must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment.

10. The Minister may terminate this permit immediately by notice in writing served on the permit holder.

11. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulation made under the Act, except where specifically permitted by this notice.

12. The permit holder must retain a copy of this permit which has been supplied by the Minister, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

#### SCHEDULE 4

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
424800E	6379447N
424913E	6379396N
424913E	6379414N
424800E	6379465N

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

FM00229

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Eyrewoolf Enterprises Pty Ltd, Allotment 13, Block 3D in the Hundred of Ripon, Streaky Bay, S.A. 5680 or persons acting as their agents (hereinafter referred to as the 'permit holder'), is exempt from the provisions of sections 50 and 53 of the Fisheries Act 1982, insofar as they may engage in the activities and do the acts specified in Schedule 1 (hereinafter referred to as the 'permitted use') during the times specified in Schedule 2 subject to the conditions specified in Schedule 3 from the waters specified in Schedule 4 (hereinafter referred to as 'the site').

## SCHEDULE 1

The deposit and subsequent removal of Pacific oysters (*Crassostrea gigas*), hereinafter referred to as the 'permitted species' into baskets and racks for research and development located in the area of water specified in Schedule 4, for the purpose of conducting research and development.

## SCHEDULE 2

This permit is valid to 2400 hours on 1 January 2000.

## SCHEDULE 3

1. The permit holder must not farm or introduce any species at the site other than the permitted species.

2. The permit holder must not use the site for any purpose other than the permitted use.

3. The permit holder must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister for Primary Industries, Natural Resources and Regional Development (hereinafter referred to as the 'Minister').

4. The permit holder must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any instructions issued from time to time by the Minister or an officer acting on his behalf in relation to the removal from the site of any unhealthy or dead fish.

5. The permit holder must mark the site boundary in accordance with any requirements of the Harbors and Navigation Act 1993 or other applicable Acts.

6. The permit holder must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site.

7. The permit holder must comply with all reasonable directions of any such person authorised by the Minister to inspect the conduct of the permit holder's activities at the site.

8. The permit holder must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site.

9. The permit holder must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment.

10. The Minister may terminate this permit immediately by notice in writing served on the permit holder.

11. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulation made under the Act, except where specifically permitted by this notice.

12. The permit holder must retain a copy of this permit which has been supplied by the Minister, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

## SCHEDULE 4

Licensed Area		Licensed Hectares
AGD 66—Zone 53		
424800E	6379520N	0.25
424913E	6379470N	
424913E	6379450N	
424800E	6379501N	

Dated 3 August 1999.

D. MACKIE, Manager, Legislation and Policy

FM 00230

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, The South Australian Research and Development Institute, 2 Hamra Avenue, West Beach, S.A. 5024 or persons acting as their agents (hereinafter referred to as the 'permit holder'), is exempt from the provisions of sections 50 and 53 of the Fisheries Act 1982, insofar as they may engage in the activities and do the acts specified in Schedule 1 (hereinafter referred to as the 'permitted use') during the times specified in Schedule 2

subject to the conditions specified in Schedule 3 from the waters specified in Schedule 4 (hereinafter referred to as 'the site').

## SCHEDULE 1

The deposit and subsequent removal of doughboy scallop, *Mimachalmys asperrimus*, king scallop, *Pecten fumatus*, queen scallop, *Chlamys bifrons*, blue mussel, *Mytilus edulis*, Pacific oyster, *Crassostrea gigas*, Australian flat oyster, *Ostrea angasi*, greenlip abalone, *Haliotis laevis*, and blacklip abalone, *Haliotis rubra*, hereinafter referred to as the 'permitted species' into temporary racks, baskets and cages located in the area of water specified in Schedule 4, for the purpose of conducting research and development into their farming.

## SCHEDULE 2

This permit is valid to 2400 hours on 30 June 2000.

## SCHEDULE 3

1. The permit holder must not farm or introduce any species at the site other than the permitted species.

2. The permit holder must not use the site for any purpose other than the permitted use.

3. The permit holder must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister for Primary Industries, Natural Resources and Regional Development (hereinafter referred to as the 'Minister').

4. The permit holder must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any instructions issued from time to time by the Minister or an officer acting on his behalf in relation to the removal from the site of any unhealthy or dead fish.

5. The permit holder must mark the site boundary in accordance with any requirements of the Harbors and Navigation Act 1993 or other applicable Acts.

6. The permit holder must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site.

7. The permit holder must comply with all reasonable directions of any such person authorised by the Minister to inspect the conduct of the permit holder's activities at the site.

8. The permit holder must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site.

9. The permit holder must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment.

10. The Minister may terminate this permit immediately by notice in writing served on the permit holder.

11. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulation made under the Act, except where specifically permitted by this notice.

12. The permit holder must retain a copy of this permit which has been supplied by the Minister, and if requested by a PIRSA Fisheries and Aquaculture Officer, produce that permit for inspection.

## SCHEDULE 4

Licensed Area		Licensed Hectares
AGD 66—Zone 53		
580400E	6162900N	20
580400E	6162400N	
580800E	6162400N	
580800E	6162900N	

Dated 6 August 1999.

G. MORGAN, Director of Fisheries

FM00248

## FISHERIES ACT 1982: SECTION 59

TAKE notice that Jeffrey Wait, 31 Sir Keith Smith Drive, North Haven, S.A. 5018 (hereinafter referred to as the 'fisher') is exempt from the provisions of section 41 of the Fisheries Act

1982, Regulation 5 and paragraph 33 of Schedule 1 of the Fisheries (General) Regulations 1984, in that the fisher may use a fish net specified in Schedule 1 for the purpose of trade or business in waters greater than 5 m in depth (hereinafter referred to as the 'permitted activity') specified in Schedule 2, subject to the conditions in Schedule 3 from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

One floating hauling net or purse seine net not exceeding 600 m in length and 160 meshes in depth and with a mesh size of not less than 3 cm.

#### SCHEDULE 2

The waters of Gulf St Vincent and Investigator Strait within blocks 34, 35, 36, 43 and 44 as defined in the South Australian Commercial Fishing Summary Sheets (copy attached).

#### SCHEDULE 3

1. The fisher may only conduct the permitted activity from a boat registered on Marine Scalefish Fishery Licence No. M492.

2. Whilst engaged in the permitted activity the fisher must:

- (a) have in his possession a copy of this notice; and
- (b) produce a copy of the notice if required by a Fisheries Compliance Officer.

3. PIRSA Fisheries retains the right for a departmental officer or an officer of the South Australian Research and Development Institute to accompany the fisher at any time while engaged in the permitted activity.

4. The fisher must provide separate statistical catch and effort information, in the form of a daily log, with details of fishing conducted pursuant to the permitted activity.

5. The fisher shall not contravene or fail to comply with the Fisheries Act 1982 or any regulation made under that Act except where specifically exempted by this notice.

Dated 10 August 1999.

D. MACKIE, Manager, Legislation and Policy

limits as specified in Schedule 2, subject to the conditions specified in Schedule 3.

#### SCHEDULE 1

Any person or persons who charter the boat M391 (hereinafter referred to as the 'permitted boat') from the charter boat operator in South Australia, for the purpose of recreational fishing for scalefish and blue swimmer crab.

#### SCHEDULE 2

1. The charter boat operator may engage in the taking of no more than twenty blue swimmer crab (*Portunus pelagicus*) per paying passenger in any one day where the number of paying passengers exceeds six.

2. The charter boat operator may engage in the taking of no more than one half of the daily bag limit for those species of scalefish subject to such a limit as specified in the Fisheries (General) Regulations 1984, per paying passenger in any one day where the number of paying passengers exceeds five.

#### SCHEDULE 3

1. This exemption is valid from the date of gazettal of this notice until 30 June 2000.

2. The charter boat operator shall not use any other boat for the purpose of engaging in the permitted activity except the 'permitted boat'.

3. The charter boat operator shall not sell any fish taken pursuant to this notice.

4. The charter boat operator shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act except where specifically exempted by this notice.

5. While engaged in the permitted activity the charter boat operator shall have in their possession a copy of this notice. Such notice must be produced to a PIRSA Fisheries and Aquaculture Compliance Officer if such an officer requests that it be so produced.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Leon Van Weenen (M215), 29 Flinders Highway, Streaky Bay, S.A. 5680 (hereinafter referred to as the 'fisher') is exempt from the provision of Schedule 1, clause 63 of the Fisheries (General) Regulations 1984, subject to the conditions specified in Schedule 1, in that the fisher shall not be guilty of an offence when taking up to 150 razor fish (*Pinna bicolor*) in any one day, from South Australian coastal marine waters from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

1. All razor fish (*Pinna bicolor*) taken shall be used for bait only.

2. The total number of razor fish (*Pinna bicolor*) taken in any one day, shall be no greater than 150.

3. The fisher must include all razor fish (*Pinna bicolor*) taken under this permit on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

4. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically exempted by this notice.

5. Whilst engaged in the collection activity the fisher must have in or about his possession the copy of this notice with which the Director of Fisheries has provided and produce that notice to a PIRSA Fisheries and Aquaculture Compliance Officer forthwith, if and when an officer requests the fisher to produce it.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, the class of persons specified in Schedule 1 and William A. Brown, P.O. Box 179, Moonta, S.A. 5558 (hereinafter referred to as the 'charter boat operator') is exempt from the provisions of Clause 71AA and Clause 70 (b) of Schedule 1 of the Fisheries (General) Regulations 1984, and section 41 of the Fisheries Act 1982, insofar as the charter boat operator may exceed the boat

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Edward Robinson (M191), 45 Redding Road, Streaky Bay, S.A. 5680 (hereinafter referred to as the 'fisher') is exempt from the provision of Schedule 1, clause 63 of the Fisheries (General) Regulations 1984, subject to the conditions specified in Schedule 1, in that the fisher shall not be guilty of an offence when taking up to 150 razor fish (*Pinna bicolor*) in any one day, from South Australian coastal marine waters from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

1. All razor fish (*Pinna bicolor*) taken shall be used for bait only.

2. The total number of razor fish (*Pinna bicolor*) taken in any one day, shall be no greater than 150.

3. The fisher must include all razor fish (*Pinna bicolor*) taken under this permit on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

4. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically exempted by this notice.

5. Whilst engaged in the collection activity the fisher must have in or about his possession the copy of this notice with which the Director of Fisheries has provided and produce that notice to a PIRSA Fisheries and Aquaculture Compliance Officer forthwith, if and when an officer requests the fisher to produce it.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Michael O'Neill (M291), 4 Wells Street, Streaky Bay, S.A. 5680 (hereinafter referred to as the 'fisher') is exempt from the provision of Schedule 1, clause 63 of the Fisheries (General) Regulations 1984, subject to the conditions specified in Schedule 1, in that the fisher shall not be guilty of an offence when taking up to 150 razor fish (*Pinna bicolor*) in any one day, from South Australian coastal marine waters from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

1. All razor fish (*Pinna bicolor*) taken shall be used for bait only.

2. The total number of razor fish (*Pinna bicolor*) taken in any one day, shall be no greater than 150.

3. The fisher must include all razor fish (*Pinna bicolor*) taken under this permit on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

4. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically exempted by this notice.

5. Whilst engaged in the collection activity the fisher must have in or about his possession the copy of this notice with which the Director of Fisheries has provided and produce that notice to a PIRSA Fisheries and Aquaculture Compliance Officer forthwith, if and when an officer requests the fisher to produce it.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Brian Mundy (M325), 24 Elizabeth Street, Streaky Bay, S.A. 5680 (hereinafter referred to as the 'fisher') is exempt from the provision of Schedule 1, clause 63 of the Fisheries (General) Regulations 1984, subject to the conditions specified in Schedule 1, in that the fisher shall not be guilty of an offence when taking up to 150 razor fish (*Pinna bicolor*) in any one day, from South Australian coastal marine waters from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

1. All razor fish (*Pinna bicolor*) taken shall be used for bait only.

2. The total number of razor fish (*Pinna bicolor*) taken in any one day, shall be no greater than 150.

3. The fisher must include all razor fish (*Pinna bicolor*) taken under this permit on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

4. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically exempted by this notice.

5. Whilst engaged in the collection activity the fisher must have in or about his possession the copy of this notice with which the Director of Fisheries has provided and produce that notice to a PIRSA Fisheries and Aquaculture Compliance Officer forthwith, if and when an officer requests the fisher to produce it.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Carl Maywald (M081), 1 Sturt Street, Streaky Bay, S.A. 5680 (hereinafter referred to as the 'fisher') is exempt from the provision of Schedule 1, clause 63 of the Fisheries (General)

Regulations 1984, subject to the conditions specified in Schedule 1, in that the fisher shall not be guilty of an offence when taking up to 150 razor fish (*Pinna bicolor*) in any one day, from South Australian coastal marine waters from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

1. All razor fish (*Pinna bicolor*) taken shall be used for bait only.

2. The total number of razor fish (*Pinna bicolor*) taken in any one day, shall be no greater than 150.

3. The fisher must include all razor fish (*Pinna bicolor*) taken under this permit on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

4. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically exempted by this notice.

5. Whilst engaged in the collection activity the fisher must have in or about his possession the copy of this notice with which the Director of Fisheries has provided and produce that notice to a PIRSA Fisheries and Aquaculture Compliance Officer forthwith, if and when an officer requests the fisher to produce it.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, George Manias (M288), P.O. Box 97, Streaky Bay, S.A. 5680 (hereinafter referred to as the 'fisher') is exempt from the provision of Schedule 1, clause 63 of the Fisheries (General) Regulations 1984, subject to the conditions specified in Schedule 1, in that the fisher shall not be guilty of an offence when taking up to 150 razor fish (*Pinna bicolor*) in any one day, from South Australian coastal marine waters from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

1. All razor fish (*Pinna bicolor*) taken shall be used for bait only.

2. The total number of razor fish (*Pinna bicolor*) taken in any one day, shall be no greater than 150.

3. The fisher must include all razor fish (*Pinna bicolor*) taken under this permit on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

4. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically exempted by this notice.

5. Whilst engaged in the collection activity the fisher must have in or about his possession the copy of this notice with which the Director of Fisheries has provided and produce that notice to a PIRSA Fisheries and Aquaculture Compliance Officer forthwith, if and when an officer requests the fisher to produce it.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that David Gill, P.O. Box 137, Maitland, S.A. 5573 (hereinafter referred to as the 'fisher') is exempt from the provisions of section 41 of the Fisheries Act 1982, Regulation 5 and paragraph 33 of Schedule 1 of the Fisheries (General) Regulations 1984, in that the fisher may use a fish net specified in Schedule 1 for the purpose of trade or business in waters greater than 5m in depth (hereinafter referred to as the 'permitted activity') specified in Schedule 2, subject to the conditions in Schedule 3 from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

One floating hauling net or purse seine net not exceeding 600 m in length and 160 meshes in depth and with a mesh size of net less than 3 cm.

#### SCHEDULE 2

The waters of Gulf St Vincent and Investigator Strait within blocks 34, 35, 36, 43 and 44 as defined in the South Australian Commercial Fishing Summary Sheets (copy attached).

#### SCHEDULE 3

1. The fisher may only conduct the permitted activity from a boat registered on Marine Scalefish Fishery Licence No. M175.
2. Whilst engaged in the permitted activity the fisher must:
  - (a) have in his possession a copy of this notice; and
  - (b) produce a copy of the notice if required by a Fisheries Compliance Officer.
3. PIRSA Fisheries retains the right for a departmental officer or an officer of the South Australian Research and Development Institute to accompany the fisher at any time while engaged in the permitted activity.
4. The fisher must provide separate statistical catch and effort information, in the form of a daily log, with details of fishing conducted pursuant to the permitted activity.
5. The fisher shall not contravene or fail to comply with the Fisheries Act 1982 or any regulation made under that Act except where specifically exempted by this notice.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that Robert J. Butson, 15 Mine Street, Port Wakefield, S.A. 5550 (hereinafter referred to as the 'fisher') is exempt from the provisions of section 41 of the Fisheries Act 1982, Regulation 5 and paragraph 33 of Schedule 1 of the Fisheries (General) Regulations 1984, in that the fisher may use a fish net specified in Schedule 1 for the purpose of trade or business in waters greater than 5 m in depth (hereinafter referred to as the 'permitted activity') specified in Schedule 2, subject to the conditions in Schedule 3 from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

One floating hauling net or purse seine net not exceeding 600 m in length and 160 meshes in depth and with a mesh size of not less than 3 cm.

#### SCHEDULE 2

The waters of Gulf St Vincent and Investigator Strait within blocks 34, 35, 36, 43 and 44 as defined in the South Australian Commercial Fishing Summary Sheets (copy attached).

#### SCHEDULE 3

1. The fisher may only conduct the permitted activity from a boat registered on Marine Scalefish Fishery Licence No. M070.
2. Whilst engaged in the permitted activity the fisher must:
  - (a) have in his possession a copy of this notice; and
  - (b) produce a copy of the notice if required by a Fisheries Compliance Officer.
3. PIRSA Fisheries and Aquaculture retains the right for a departmental officer to accompany the fisher at any time while engaged in the permitted activity.
4. The fisher must provide separate statistical catch and effort information, in the form of a daily log, with details of fishing conducted pursuant to the permitted activity.
5. The fisher shall not contravene or fail to comply with the Fisheries Act 1982 or any regulation made under that Act except where specifically exempted by this notice.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Neville Mattsson (M454), c/o P.O. Box 261, Coffin Bay, S.A. 5607 (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions in Schedule 1 in that the fisher shall not be guilty of an offence when using up to 100 crab pots for the taking of sand crabs (*Ovalipes australiensis*), rock crabs (*Nectocarcinus integrifrons*) and spider crabs (*Leptomithrax australiensis*) (hereinafter referred to as the 'permitted species') for the purpose of trade or business

in coastal marine waters of South Australia (hereinafter referred to as the 'permitted activity').

#### SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of this notice until 30 June 2000.
2. This exemption is valid only in respect of the boat (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M454.
3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.
4. The fisher shall not use any kind of device other than a crab pot for the purpose of engaging in the permitted activity and those devices must have attached to each device a buoy that is constructed of material that is durable in water, has a volume of not less than four litres, is of orange colour and is clearly marked with the registered number of the boat with letters and figures of not less than 7 cm in height.
5. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.
6. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

7. The fisher must complete a monthly return with 14 days of the end of the previous month and forward it to the South Australian Research and Development Institute, P.O. Box 120, Henley Beach, S.A. 5022. This return must be completed regardless of whether the fisher took fish or not, ie nil returns are required.

8. While engaged in the permitted activity the fisher must have in his possession a copy of this notice and produce a copy of the notice if required by a Fisheries Compliance Officer.

9. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, K. J. Sincock (M499), 63 Wells Street, Streaky Bay, S.A. 5680 (hereinafter referred to as the 'fisher') is exempt from the provision of Schedule 1, clause 63 of the Fisheries (General) Regulations 1984, subject to the conditions specified in Schedule 1, in that the fisher shall not be guilty of an offence when taking up to 150 razor fish (*Pinna bicolor*) in any one day, from South Australian coastal marine waters from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

1. All razor fish (*Pinna bicolor*) taken shall be used for bait only.
2. The total number of razor fish (*Pinna bicolor*) taken in any one day, shall be no greater than 150.
3. The fisher must include all razor fish (*Pinna bicolor*) taken under this permit on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).
4. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically exempted by this notice.

5. Whilst engaged in the collection activity the fisher must have in or about his possession the copy of this notice with which the Director of Fisheries has provided and produce that notice to a PIRSA Fisheries and Aquaculture Compliance Officer forthwith, if and when an officer requests the fisher to produce it.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that Michael Salvemini, 30 Brooklyn Terrace, North Haven, S.A. 5018 (hereinafter referred to as the 'fisher') is exempt from the provisions of section 41 of the Fisheries Act

1982, Regulation 5 and paragraph 33 of Schedule 1 of the Fisheries (General) Regulations 1984, in that the fisher may use a fish net specified in Schedule 1 for the purpose of trade or business in waters greater than 5 m in depth (hereinafter referred to as the 'permitted activity') specified in Schedule 2, subject to the conditions in Schedule 3 from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

One floating hauling net or purse seine net not exceeding 600 m in length and 160 meshes in depth and with a mesh size of net less than 3 cm.

#### SCHEDULE 2

The waters of Gulf St Vincent and Investigator Strait within blocks 34, 35, 36, 43 and 44 as defined in the South Australian Commercial Fishing Summary Sheets (copy attached).

#### SCHEDULE 3

1. The fisher may only conduct the permitted activity from a boat registered on Marine Scalefish Fishery Licence No. M393.

2. Whilst engaged in the permitted activity the fisher must:

- (a) have in his possession a copy of this notice; and
- (b) produce a copy of the notice if required by a PIRSA Fisheries and Aquaculture Compliance Officer.

3. PIRSA Fisheries retains the right for a departmental officer or an officer of the South Australian Research and Development Institute to accompany the fisher at any time while engaged in the permitted activity.

4. The fisher must provide separate statistical catch and effort information, in the form of a daily log, with details of fishing conducted pursuant to the permitted activity.

5. The fisher shall not contravene or fail to comply with the Fisheries Act 1982 or any regulation made under that Act except where specifically exempted by this notice.

Dated 9 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 43

TAKE notice that subject to section 43 of the Fisheries Act 1982, it is hereby declared that it shall be unlawful for the holder of a licence issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991, to engage in the act or an act preparatory to or involved in the taking of abalone (*Haliotis spp.*) in the waters of the Southern Zone Abalone Fishery specified in Schedule 1 from 1 September 1999 until 31 August 2000.

#### SCHEDULE 1

##### Area 1:

Those waters adjacent to the coast of Nene Valley which are contained with a line commencing at the high water mark at position latitude 37°59.3'S, 140°30.7'E, then due south for approximately 2.9 nautical miles to position latitude 38°02.4'S, longitude 140°30.7'E then generally south-east for approximately 2.7 nautical miles to position latitude 38°04.4'S, longitude 140°34.2'E then due north for approximately 2.6 nautical miles to high water mark at position latitude 38°01.4'S, longitude 140°34.2'E then generally north-westerly following high water mark back to the point of commencement.

##### Area 2:

Those waters adjacent to the coast at Brown and Riddoch Bays which are contained between the meridians of longitude 140°45'E and longitude 140°55'E extending seawards for three nautical miles from the high water mark.

##### Area 3:

Those waters of Ringwood Reed bounded by a line commencing at latitude 37°31.95'S longitude 140°01.3'E then in generally easterly direction to a point of latitude 37°31.95'S longitude 140°02.6'E then in a southerly direction to a point latitude 37°32.5'E longitude 140°02.6'E then in generally westerly direction to a point latitude 37°32.3'S longitude 140°01.3'E then in a generally northerly direction to the point of commencement.

##### Area 4:

Those waters bounded by a line commencing at the high water mark on Rapid Point latitude 37°55.7'S longitude 140°23.38'E, then in a generally south-westerly direction to position latitude 37°56'S longitude 140°21.5'E, then in a generally south-easterly direction to position latitude 37°58.5'S longitude 140°26'E, then in a north-easterly direction to Blackfellows Caves in latitude 37°57'S longitude 140°28.2'E, then north westerly direction back to the point of commencement.

Dated 11 August 1999.

W. ZACHARIN, Principle Manager, Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Roy Banks (M022), 50 Redding Road, Streaky Bay, S.A. 5680 (hereinafter referred to as the 'fisher') is exempt from the provision of Schedule 1, clause 63 of the Fisheries (General) Regulations 1984 subject to the conditions specified in schedule 1, in that the fisher shall not be guilty of an offence when taking up to 150 razor fish (*Pinna bicolor*) in any one day, from South Australian coastal marine waters from the date of gazettal of this notice until 30 June 2000.

#### SCHEDULE 1

1. All razor fish (*Pinna bicolor*) taken shall be used for bait only.

2. The total number of razor fish (*Pinna bicolor*) taken in any one day, shall be no greater than one hundred and fifty.

3. The fisher must include all razor fish (*Pinna bicolor*) taken under this permit on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

4. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically exempted by this notice.

5. Whilst engaged in the collection activity the fisher must have in or about his possession the copy of this notice with which the Director of Fisheries has provided and produce that notice to a PIRSA Fisheries and Aquaculture Compliance Officer forthwith, if and when an officer requests the fisher to produce it.

Dated 16 August 1999.

D. MACKIE, Manager, Legislation and Policy

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Anthony Bendikov, (hereinafter referred to as the 'permit holder'), 59 Jetty Street, Grange, S.A. 5022, is exempt from section 41 of the Fisheries Act 1982 in that the permit holder shall not be guilty of an offence when taking and possessing scalefish (superclass pisces), including fish below the legal minimum length (hereinafter referred to as the permitted activity), using one hand net, in the waters specified in Schedule 1, subject to the conditions specified in Schedule 2, from the date of gazettal of this notice until 30 June 2000.

## SCHEDULE 1

South Australian coastal marine water excluding aquatic reserves

## SCHEDULE 2

1. The specimens collected by the permit holders are for research purposes only and may not be sold.

2. Before collecting any specimens pursuant to this notice, the permit holder must contact PIRSA Fisheries and Aquaculture on 1800 065 522 with details of the proposed locations and the dates on which the collections are to be made.

3. The permit holder may collect no more than five of any one species.

4. For the purpose of this notice, a hand net (including a dab net, dip net or shrimp net) means a net being conical in shape attached to a hoop or ring and extending not more than one metre in depth from the hoop or ring, the hoop and ring being attached to a rigid handle and having a diameter that does not exceed one metre.

5. The permit holders shall not contravene or fail to comply with the Fisheries Act 1982 or any regulations made under that Act, except where specifically exempted by this notice.

6. Whilst engaged in the permitted activity, the permit holder must have in his possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries and Aquaculture Compliance Officer.

Dated 12 August 1999.

D. MACKIE, Manager, Legislation and Policy

## FISHERIES ACT 1982: SECTION 59

TAKE notice that subject to section 59 of the Fisheries Act 1982, those holders of a Miscellaneous Fishery Licence, being a licence issued pursuant to the Scheme of Management (Miscellaneous Fisheries) Regulations 1984, shown in Schedule 1 (hereinafter referred to as the 'fisher') are exempted from the provisions of Regulation 21 of the Scheme of Management (Miscellaneous Fisheries) Regulations 1984, in that the fisher shall not be guilty of an offence when using a registered master, being a person registered by endorsement of a fishery licence pursuant to Division 1 of Part 4 of the Fisheries Act 1982 (hereinafter referred to as the 'permitted activity'), subject to the conditions specified in Schedule 2, from the date of gazettal of this notice until 30 June 2000.

## SCHEDULE 1

Y027 David J. Buckland, P.O. Box 878, Port Lincoln.

Y029 Anthony M. Johnson, P.O. Box 154, Warooka.

Y065 Mark W. Snadden, 82 Queen Street, Alberton.

Y066 Nicholas G. Pluker, 19 Tobruk Terrace, Port Lincoln.

## SCHEDULE 2

1. No more than one other diver may assist the fisher in the fishing activity and then only while the registered master is in the water or on board the registered boat.

2. The fisher may nominate one registered master to conduct fishing operations pursuant to the Miscellaneous Fishery Licence provided that the application to be registered as the master of a boat must be made in writing in a form approved by the Director and be accompanied by the applicant's licence in respect of the fishery.

3. Only one boat may be used at any one time during fishing operations pursuant to this notice.

4. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any other regulations made under that Act except where specifically exempted by this notice.

5. Whilst engaged in the permitted activity the fisher must have in their possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries and Aquaculture Compliance Officer.

Dated 31 July 1999.

D. MACKIE, Manager, Legislation and Policy