

## 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, FRIDAY, 8 DECEMBER 2000

---

## FISHERIES ACT 1982: SECTION 59

TAKE note that the notice made under section 59 of the Fisheries Act 1982, and published in the *South Australian Supplementary Government Gazette* on page numbers 2862 and 2863, dated 31 October 2000, referring to T. Garnaut Nominees Pty Ltd and the taking of undersize Roe's abalone, is hereby revoked.

Dated 27 November 2000.

T. WARD, Principal Fisheries Manager

## FISHERIES ACT 1982: SECTION 59

TAKE note that the notice made under section 59 of the Fisheries Act 1982, and published in the *South Australian Supplementary Government Gazette* on page numbers 2863, 2864 and 2865, dated 31 October 2000, referring to WB Mattner Nominees Pty Ltd and the taking of undersize Roe's abalone, is hereby revoked.

Dated 27 November 2000.

T. WARD, Principal Fisheries Manager

## FISHERIES ACT 1982: SECTION 59

TAKE note that the notice made under section 59 of the Fisheries Act 1982, and published in the *South Australian Supplementary Government Gazette* on page numbers 2866, 2867 and 2868, dated 31 October 2000, referring to T. Garnaut Nominees Pty Ltd and the taking of undersize Roe's abalone, is hereby revoked.

Dated 27 November 2000.

T. WARD, Principal Fisheries Manager

## FISHERIES ACT 1982: SECTION 59

TAKE notice that subject to section 59 of the Fisheries Act 1982, John C. Haagmans, c/o P.O. Box 1845, Port Lincoln, S.A. 5606 (or his registered masters) holder of Western Zone Abalone Fishery Licence W08, issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991, (hereinafter referred to as the 'exemption holder') is exempted from the provisions of Clause 60 of Schedule 1 of Fisheries (General) Regulations 2000, in that the exemption holder shall not be guilty of an offence when taking Roe's abalone (*Haliotis roei*) which is undersize, from those waters defined as the Western Zone in the Scheme of Management (Abalone Fisheries) Regulations 1991, (hereinafter referred to as the 'exempted activity') subject to the conditions specified in Schedule 1 from the date of gazettal of this notice until 31 March 2001.

## SCHEDULE 1

1. Whilst engaged in the exempted activity, the exemption holder may only take *Haliotis roei* provided that it is not less than 75 mm in length at its greatest dimension. All abalone must be landed in the shell.

## FISHERIES ACT 1982: SECTION 59

TAKE note that the notice made under section 59 of the Fisheries Act 1982, and published in the *South Australian Supplementary Government Gazette* on page numbers 2860 and 2861, dated 31 October 2000, referring to WB Mattner Nominees Pty Ltd and the taking of undersize Roe's abalone, is hereby revoked.

Dated 27 November 2000.

T. WARD, Principal Fisheries Manager

2. On any day the exemption holder engages in the exempted activity only abalone of the species (*Haliotis roei*) may be taken.

3. No more than one registered master may engage in the exempted activity on any one day.

4. The exemption holder may conduct the exempted activity in more than one area as defined in Schedule 2 on any one day, provided that a separate notification pursuant to condition 5 below has been made for each area prior to conducting any fishing activity in that area.

5. The exemption holder must notify the PIRSA Fisheries Compliance Unit on 1800 244 317 prior to engaging in the exempted activity with the following information:

- (a) the name of the person making the call and the Western Zone Abalone Fishery Licence Number;
- (b) the name of the registered master who will be conducting the exempted activity on that day;
- (c) the date on which the exempted activity will take place;
- (d) the port of departure;
- (e) the designated area from Schedule 2 which is to be fished; and
- (f) where the exemption holder is nominating to fish in an additional designated area from the previous nominated designated area on any one day, the exemption holder must wait at least 30 minutes prior to leaving the point from where the nomination was made.

6. Upon completion of the day's fishing activities the exemption holder shall complete the Daily Research Data Logsheet provided including the following information:

- Drop Number;
- Fishing Location (each dive entry location using GPS marks in decimal minutes including seconds);
- Time Underwater;
- Swell;
- Number of *H. Roei*;
- Tag Number; and
- CDR Number.

The completed Daily Research Data Logsheets must be posted or delivered to the Chief Scientist, South Australian Research and Development Institute within seven days of the completion of the day's fishing activities to which it relates.

7. Upon completion of the dive at each site and before landing, the exemption holder shall place the abalone in the bag supplied and complete the information on the tag provided including the date and CDR number. The catch is to be bagged separately for each dive location and the tag included with the catch. If more than one bag is taken in one dive location, the tag numbers are to be recorded in the row beneath the original on the Daily Research Data Logsheet provided.

The total number of bags for that day and the numbers of the tags placed on each bag shall be included on the CDR 1. The CDR 1 must be completed within 50 m of landing and the white and yellow copies of the CDR 1 must accompany the abalone to the fish processing premises.

8. The exemption holder must make a record in writing immediately at the conclusion of a fishing trip and before the abalone are consigned to a registered fish processor setting out details of the abalone taken during that fishing trip. This record must be completed within 50 m of the point of landing of the catch and before the catch is consigned to a nominated processor and/or taken onto processor premises where such premises are within 50 m of the point of landing or at the end of each day of fishing where the catch is not landed on that day. The details of such record shall be recorded on and be such as are sufficient to complete in triplicate a CDR 1 form.

9. All *Haliotis roei* taken pursuant to this notice shall be delivered to one of the registered fish processors detailed in Schedule 3 for weighing, within 48 hours of landing, within the State of South Australia.

10. The exemption holder shall not, during the period of this notice, take a combined quantity of *Haliotis roei* which exceeds 1 000 kg wholeweight.

11. The amount of *Haliotis roei* allocated pursuant to this notice is non-transferable.

12. The exemption holder shall not intentionally induce weight loss of abalone by any means.

13. The exemption holder whilst engaged in the exempted activity must conduct such activity from a boat registered pursuant to Western Zone Abalone Fishery Licence W08.

14. The exemption holder 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.

15. Whilst engaged in the exempted activity the exemption holder must have in his possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries Compliance Officer.

#### SCHEDULE 2

##### AREA 1

All waters east of the Western/Central zone boundary (longitude 136.5°E) to Shoal Point (longitude 135.5°E) excluding the following sub-area 1 in which no activity may take place:

All waters contained within the following boundaries:

latitude 34.2440° longitude 136.2690°, latitude 34.2441° longitude 136.2611°, latitude 34.2568° longitude 136.2690°, latitude 34.2569° longitude 136.2611° and excluding the following sub-areas 2 and 3 in which fishdown activities may be conducted pursuant to separate exemption.

##### Lipson Island Fishdown

All waters contained within the following boundaries:

latitude 34.2637° longitude 136.2667°, latitude 34.2638° longitude 136.2624°, latitude 34.2665° longitude 136.2667°, latitude 34.2665° longitude 136.2624°.

##### Grindal Island Fishdown

All waters contained within the following boundaries:

latitude 34.9048° longitude 136.0398°, latitude 34.9050° longitude 136.0234°, latitude 34.9228° longitude 136.0400°, latitude 34.9230° longitude 136.0236°.

##### AREA 2

All waters extending from Shoal Point (135.5°E) to Cape Radstock (longitude 134.33°E) excluding the following sub-area 1 in which no activity may take place:

All waters contained within the following boundaries:

latitude 33.2046° longitude 134.6276°, latitude 33.2045° longitude 134.5892°, latitude 33.2449° longitude 134.6275°, latitude 33.2448° longitude 134.5891° and excluding the following sub-areas 2 and 3 in which fishdown activities may be conducted pursuant to separate exemption.

##### Venus Bay Fishdown

All waters contained within the following boundaries:

latitude 33.2301° longitude 134.6413°, latitude 33.2300° longitude 134.6301°, latitude 33.2469° longitude 134.6412°, latitude 33.2469° longitude 134.6301°.

##### Kiana Beach Fishdown

All waters contained within the following boundaries:

latitude 34.0252° longitude 135.2707°, latitude 34.0252° longitude 135.2599°, latitude 34.0342° longitude 135.2708°, latitude 34.0342° longitude 135.2599°.

##### AREA 3

All waters extending from Cape Radstock (longitude 134.33°E) to Point Bell (longitude 133.13°E) excluding the following sub-area 1 in which no activity may take place:

All waters contained within the following boundaries:

latitude 32.9312° longitude 134.1442°, latitude 32.9310° longitude 134.1122°, latitude 32.9492° longitude 134.1441°, latitude 32.9490° longitude 134.1120° and excluding the following sub-areas 2 and 3 in which fishdown activities may be conducted pursuant to separate exemption.

Smoothpool Bommie Fishdown

All waters contained within the following boundaries:

latitude 32.9352° longitude 134.0800°, latitude 32.9351° longitude 134.0640°, latitude 32.9442° longitude 134.0799°, latitude 32.9441° longitude 134.0639°.

Highcliff Fishdown

All waters contained within the following boundaries:

latitude 32.8677° longitude 134.1021°, latitude 32.8677° longitude 134.0968°, latitude 32.8768° longitude 134.1020°, latitude 32.8767° longitude 134.0967°.

AREA 4

All waters extending from Point Bell (longitude 133.13°E) to a point approximately 5 km south-east of the eastern extreme of the Great Australian Bight Marine Park (longitude 131.55°E) excluding the following sub-areas 2 and 3 in which fishdown activities may be conducted pursuant to separate exemption.

Clare Bay Fishdown

All waters contained within the following boundaries:

latitude 31.9520° longitude 132.6882°, latitude 31.9519° longitude 132.6813°, latitude 31.9568° longitude 132.6881°, latitude 31.9567° longitude 132.6812°.

Pt Sinclair Fishdown

All waters contained within the following boundaries:

latitude 32.0995° longitude 132.9917°, latitude 32.0994° longitude 132.9864°, latitude 32.1063° longitude 132.9916°, latitude 32.1062° longitude 132.9863°.

#### SCHEDULE 3

FP0008

Western Abalone Processors Pty Ltd  
P.O. Box 914  
Port Lincoln, S.A. 5606

FP0120

Smoothpool Nominees Pty Ltd  
Trading as Blancheport Fisheries  
12 Alfred Terrace  
Streaky Bay, S.A. 5680

FP0132

Yorkeshell Pty Ltd  
Trading as Australian Southern Seafood  
P.O. Box 1579  
Port Lincoln, S.A. 5606

FP0142

Eyrewoolf Enterprises  
P.O. Box 73  
Streaky Bay, S.A. 5680

Dated 27 November 2000.

T. WARD, Principal Fisheries Manager

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that subject to section 59 of the Fisheries Act 1982, Leonard S. Newton, c/o P.O. Box 1531, Elliston, S.A. 5670 (or his registered masters) holder of Western Zone Abalone Fishery Licence W16, issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991 (hereinafter referred to as the 'exemption holder') is exempted from the provisions of Clause 60 of Schedule 1 of Fisheries (General) Regulations 2000 in that the exemption holder shall not be guilty of an offence when taking Roe's abalone (*Haliotis roei*) which is undersize, from those waters defined as the Western Zone in the Scheme of Management (Abalone Fisheries) Regulations 1991 (hereinafter referred to as the 'exempted activity') subject to the conditions specified in Schedule 1 from the date of gazettal of this notice until 31 March 2001.

#### SCHEDULE 1

1. Whilst engaged in the exempted activity, the exemption holder may only take *Haliotis roei* provided that it is not less than 75 mm in length at its greatest dimension. All abalone must be landed in the shell.

2. On any day the exemption holder engages in the exempted activity only abalone of the species (*Haliotis roei*) may be taken.

3. No more than one registered master may engage in the exempted activity on any one day.

4. The exemption holder may conduct the exempted activity in more than one area as defined in Schedule 2 on any one day, provided that a separate notification pursuant to condition 5 below has been made for each area prior to conducting any fishing activity in that area.

5. The exemption holder must notify the PIRSA Fisheries Compliance Unit on 1800 244 317 prior to engaging in the exempted activity with the following information:

- the name of the person making the call and the Western Zone Abalone Fishery Licence Number;
- the name of the registered master who will be conducting the exempted activity on that day;
- the date on which the exempted activity will take place;
- the port of departure;
- the designated area from Schedule 2 which is to be fished; and
- where the exemption holder is nominating to fish in an additional designated area from the previous nominated designated area on any one day, the exemption holder must wait at least 30 minutes prior to leaving the point from where the nomination was made.

6. Upon completion of the day's fishing activities the exemption holder shall complete the Daily Research Data Logsheet provided including the following information:

- Drop Number;
- Fishing Location (each dive entry location using GPS marks in decimal minutes including seconds);
- Time Underwater;
- Swell;
- Number of *H. Roei*;
- Tag Number; and
- CDR Number.

The completed Daily Research Data Logsheets must be posted or delivered to the Chief Scientist, South Australian Research and Development Institute within seven days of the completion of the day's fishing activities to which it relates.

7. Upon completion of the dive at each site and before landing, the exemption holder shall place the abalone in the bag supplied and complete the information on the tag provided including the date and CDR number. The catch is to be bagged separately for each dive location and the tag included with the catch. If more than one bag is taken in one dive location, the tag numbers are to be recorded in the row beneath the original on the Daily Research Data Logsheet provided.

The total number of bags for that day and the numbers of the tags placed on each bag shall be included on the CDR 1. The CDR 1 must be completed within 50 m of landing and the white and yellow copies of the CDR 1 must accompany the abalone to the fish processing premises.

8. The exemption holder must make a record in writing immediately at the conclusion of a fishing trip and before the abalone are consigned to a registered fish processor setting out details of the abalone taken during that fishing trip. This record must be completed within 50 m of the point of landing of the catch and before the catch is consigned to a nominated processor and/or taken onto processor premises where such premises are within 50 m of the point of landing or at the end of each day of fishing where the catch is not landed on that day. The details of such record shall be recorded on and be such as are sufficient to complete in triplicate a CDR 1 form.

9. All *Haliotis roei* taken pursuant to this notice shall be delivered to one of the registered fish processors detailed in Schedule 3 for weighing, within 48 hours of landing, within the State of South Australia.

10. The exemption holder shall not, during the period of this notice, take a combined quantity of *Haliotis roei* which exceeds 1 000 kg wholeweight.

11. The amount of *Haliotis roei* allocated pursuant to this notice is non-transferable.

12. The exemption holder shall not intentionally induce weight loss of abalone by any means.

13. The exemption holder whilst engaged in the exempted activity must conduct such activity from a boat registered pursuant to Western Zone Abalone Fishery Licence W16.

14. The exemption holder 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.

15. Whilst engaged in the exempted activity the exemption holder must have in his possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries Compliance Officer.

#### SCHEDULE 2

##### AREA 1

All waters east of the Western/Central zone boundary (longitude 136.5°E) to Shoal Point (longitude 135.5°E) excluding the following sub-area 1 in which no activity may take place:

All waters contained within the following boundaries:

latitude 34.2440° longitude 136.2690°, latitude 34.2441° longitude 136.2611°, latitude 34.2568° longitude 136.2690°, latitude 34.2569° longitude 136.2611° and excluding the following sub-areas 2 and 3 in which fishdown activities may be conducted pursuant to separate exemption.

##### Lipson Island Fishdown

All waters contained within the following boundaries:

latitude 34.2637° longitude 136.2667°, latitude 34.2638° longitude 136.2624°, latitude 34.2665° longitude 136.2667°, latitude 34.2665° longitude 136.2624°.

##### Grindal Island Fishdown

All waters contained within the following boundaries:

latitude 34.9048° longitude 136.0398°, latitude 34.9050° longitude 136.0234°, latitude 34.9228° longitude 136.0400°, latitude 34.9230° longitude 136.0236°.

##### AREA 2

All waters extending from Shoal Point (135.5°E) to Cape Radstock (longitude 134.33°E) excluding the following sub-area 1 in which no activity may take place:

All waters contained within the following boundaries:

latitude 33.2046° longitude 134.6276°, latitude 33.2045° longitude 134.5892°, latitude 33.2449° longitude 134.6275°, latitude 33.2448° longitude 134.5891° and excluding the following sub-areas 2 and 3 in which fishdown activities may be conducted pursuant to separate exemption.

##### Venus Bay Fishdown

All waters contained within the following boundaries:

latitude 33.2301° longitude 134.6413°, latitude 33.2300° longitude 134.6301°, latitude 33.2469° longitude 134.6412°, latitude 33.2469° longitude 134.6301°.

##### Kiana Beach Fishdown

All waters contained within the following boundaries:

latitude 34.0252° longitude 135.2707°, latitude 34.0252° longitude 135.2599°, latitude 34.0342° longitude 135.2708°, latitude 34.0342° longitude 135.2599°.

##### AREA 3

All waters extending from Cape Radstock (longitude 134.33°E) to Point Bell (longitude 133.13°E) excluding the following sub-area 1 in which no activity may take place:

All waters contained within the following boundaries:

latitude 32.9312° longitude 134.1442°, latitude 32.9310° longitude 134.1122°, latitude 32.9492° longitude 134.1441°, latitude 32.9490° longitude 134.1120° and excluding the following sub-areas 2 and 3 in which fishdown activities may be conducted pursuant to separate exemption.

##### Smoothpool Bommie Fishdown

All waters contained within the following boundaries:

latitude 32.9352° longitude 134.0800°, latitude 32.9351° longitude 134.0640°, latitude 32.9442° longitude 134.0799°, latitude 32.9441° longitude 134.0639°.

##### Highcliff Fishdown

All waters contained within the following boundaries:

latitude 32.8677° longitude 134.1021°, latitude 32.8677° longitude 134.0968°, latitude 32.8768° longitude 134.1020°, latitude 32.8767° longitude 134.0967°.

##### AREA 4

All waters extending from Point Bell (longitude 133.13°E) to a point approximately 5 km south-east of the eastern extreme of the Great Australian Bight Marine Park (longitude 131.55°E) excluding the following sub-areas 2 and 3 in which fishdown activities may be conducted pursuant to separate exemption:

##### Clare Bay Fishdown

All waters contained within the following boundaries:

latitude 31.9520° longitude 132.6882°, latitude 31.9519° longitude 132.6813°, latitude 31.9568° longitude 132.6881°, latitude 31.9567° longitude 132.6812°.

##### Pt Sinclair Fishdown

All waters contained within the following boundaries:

latitude 32.0995° longitude 132.9917°, latitude 32.0994° longitude 132.9864°, latitude 32.1063° longitude 132.9916°, latitude 32.1062° longitude 132.9863°.

#### SCHEDULE 3

##### FP0008

Western Abalone Processors Pty Ltd  
P.O. Box 914  
Port Lincoln, S.A. 5606

##### FP0120

Smoothpool Nominees Pty Ltd  
Trading as Blancheport Fisheries  
12 Alfred Terrace  
Streaky Bay, S.A. 5680

##### FP0132

YorkeShell Pty Ltd  
Trading as Australian Southern Seafood  
P.O. Box 1579  
Port Lincoln, S.A. 5606

##### FP0142

Eyrewoolf Enterprises  
P.O. Box 73  
Streaky Bay, S.A. 5680

Dated 27 November 2000.

T. WARD, Principal Fisheries Manager

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that subject to section 59 of the Fisheries Act 1982, John C. Haagmans, c/o P.O. Box 1845, Port Lincoln, S.A. 5606 (or his registered masters) holder of Western Zone Abalone Fishery Licence W08, issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991 (hereinafter referred to as the 'exemption holder') is exempted from the provisions of Clause 60 of Schedule 1 of Fisheries (General) Regulations 2000, in that the exemption holder shall not be guilty of an offence when taking Roe's abalone (*Haliotis roei*) which is undersize, from those waters defined in Schedule 2 (hereinafter referred to as the 'exempted activity') subject to the conditions specified in Schedule 1 from the date of gazettal of this notice until 31 March 2001.

## SCHEDULE 1

1. The exemption holder may only engage in the exempted activity at the direction of an officer from the South Australian Research and Development Institute.

2. Whilst engaged in the exempted activity, the exemption holder may only take *Haliotis roei* provided that it is not less than 60 mm in length at its greatest dimension. All abalone must be landed in the shell.

3. On any day the exemption holder engages in the exempted activity only abalone of the species (*Haliotis roei*) may be taken.

4. No more than one registered master may engage in the exempted activity on any one day.

5. The exemption holder may conduct the exempted activity in more than one area as defined in Schedule 2 on any one day, as directed by an officer of the South Australian Research and Development Institute, provided that a separate notification pursuant to condition 6 below has been made for each area prior to conducting any fishing activity in that area.

6. The exemption holder must notify the PIRSA Fisheries Compliance Unit on 1800 244 317 prior to engaging in the exempted activity with the following information:

- (a) the name of the person making the call and the Western Zone Abalone Fishery Licence Number;
- (b) the name of the registered master who will be conducting the exempted activity on that day;
- (c) the date on which the exempted activity will take place;
- (d) the port of departure;
- (e) the designated area from Schedule 2 which is to be fished; and
- (f) where the exemption holder is nominating to fish in an additional designated area from the previous nominated designated area on any one day, the exemption holder must wait at least 30 minutes prior to leaving the point from where the nomination was made.

7. Upon completion of the day's fishing activities the exemption holder shall complete the Daily Research Data Logsheet provided including the following information:

- Drop Number;
- Fishing Location (each dive entry location using GPS marks in decimal minutes including seconds);
- Time Underwater;
- Swell;
- Number of *H. Roei*;
- Tag Number; and
- CDR Number.

The completed Daily Research Data Logsheets must be posted or delivered to the Chief Scientist, South Australian Research and Development Institute within seven days of the completion of the day's fishing activities to which it relates.

8. Upon completion of the dive at each site and before landing, the exemption holder shall place the abalone in the bag supplied and complete the information on the tag provided including the date and CDR number. The catch is to be bagged separately for each dive location and the tag included with the catch. If more than one bag is taken in one dive location, the tag numbers are to be recorded in the row beneath the original on the Daily Research Data Logsheet provided.

The total number of bags for that day and the numbers of the tags placed on each bag shall be included on the CDR 1. The CDR 1 must be completed within 50 m of landing and the white and yellow copies of the CDR 1 must accompany the abalone to the fish processing premises.

9. The exemption holder must make a record in writing immediately at the conclusion of a fishing trip and before the abalone are consigned to a registered fish processor setting out details of the abalone taken during that fishing trip. This record must be completed within 50 m of the point of landing of the catch and before the catch is consigned to a nominated processor and/or taken onto processor premises where such premises are within 50 m of the point of landing or at the end of each day of fishing where the catch is not landed on that day. The details of such record shall be recorded on and be such as are sufficient to complete in triplicate a CDR 1 form.

10. All *Haliotis roei* taken pursuant to this notice shall be delivered to one of the registered fish processors detailed in Schedule 3 for weighing, within 48 hours of landing, within the State of South Australia.

11. The exemption holder shall not, during the period of this notice, take a combined quantity of *Haliotis roei* which exceeds 1 000 kg wholeweight.

12. The amount of *Haliotis roei* allocated pursuant to this notice is non-transferable.

13. The exemption holder shall not intentionally induce weight loss of abalone by any means.

14. The exemption holder whilst engaged in the exempted activity must conduct such activity from a boat registered pursuant to Western Zone Abalone Fishery Licence W08.

15. The exemption holder 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.

16. Whilst engaged in the exempted activity the exemption holder must have in his possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries Compliance Officer.

## SCHEDULE 2

## AREA 1

## Lipson Island Fishdown

All waters contained within the following boundaries:

latitude 34.2637° longitude 136.2667°, latitude 34.2638° longitude 136.2624°, latitude 34.2665° longitude 136.2667°, latitude 34.2665° longitude 136.2624°.

## Grindal Island Fishdown

All waters contained within the following boundaries:

latitude 34.9048° longitude 136.0398°, latitude 34.9050° longitude 136.0234°, latitude 34.9228° longitude 136.0400°, latitude 34.9230° longitude 136.0236°.

## AREA 2

## Venus Bay Fishdown

All waters contained within the following boundaries:

latitude 33.2301° longitude 134.6413°, latitude 33.2300° longitude 134.6301°, latitude 33.2469° longitude 134.6412°, latitude 33.2469° longitude 134.6301°.

## Kiana Beach Fishdown

All waters contained within the following boundaries:

latitude 34.0252° longitude 135.2707°, latitude 34.0252° longitude 135.2599°, latitude 34.0342° longitude 135.2708°, latitude 34.0342° longitude 135.2599°.

## AREA 3

## Smoothpool Bommie Fishdown

All waters contained within the following boundaries:

latitude 32.9352° longitude 134.0800°, latitude 32.9351° longitude 134.0640°, latitude 32.9442° longitude 134.0799°, latitude 32.9441° longitude 134.0639°.

## Highcliff Fishdown

All waters contained within the following boundaries:

latitude 32.8677° longitude 134.1021°, latitude 32.8677° longitude 134.0968°, latitude 32.8768° longitude 134.1020°, latitude 32.8767° longitude 134.0967°.

## AREA 4

## Clare Bay Fishdown

All waters contained within the following boundaries:

latitude 31.9520° longitude 132.6882°, latitude 31.9519° longitude 132.6813°, latitude 31.9568° longitude 132.6881°, latitude 31.9567° longitude 132.6812°.

## Pt Sinclair Fishdown

All waters contained within the following boundaries:

latitude 32.0995° longitude 132.9917°, latitude 32.0994° longitude 132.9864°, latitude 32.1063° longitude 132.9916°, latitude 32.1062° longitude 132.9863°.

## SCHEDULE 3

## FP0008

Western Abalone Processors Pty Ltd  
P.O. Box 914  
Port Lincoln, S.A. 5606

## FP0120

Smoothpool Nominees Pty Ltd  
Trading as Blancheport Fisheries  
12 Alfred Terrace  
Streaky Bay, S.A. 5680

## FP0132

Yorkeshell Pty Ltd  
Trading as Australian Southern Seafood  
P.O. Box 1579  
Port Lincoln, S.A. 5606

## FP0142

Eyrewoolf Enterprises  
P.O. Box 73  
Streaky Bay, S.A. 5680

Dated 27 November 2000.

T. WARD, Principal Fisheries Manager

## FISHERIES ACT 1982: SECTION 59

TAKE notice that subject to section 59 of the Fisheries Act 1982, Leonard S. Newton, c/o P.O. Box 1531, Elliston, S.A. 5670 (or his registered masters) holder of Western Zone Abalone Fishery Licence W16, issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991 (hereinafter referred to as the 'exemption holder') is exempted from the provisions of Clause 60 of Schedule 1 of Fisheries (General) Regulations 2000, in that the exemption holder shall not be guilty of an offence when taking Roe's abalone (*Haliotis roei*) which is undersize, from those waters defined in Schedule 2 (hereinafter referred to as the 'exempted activity') subject to the conditions specified in Schedule 1 from the date of gazettal of this notice until 31 March 2001.

## SCHEDULE 1

1. The exemption holder may only engage in the exempted activity at the direction of an officer from the South Australian Research and Development Institute.

2. Whilst engaged in the exempted activity, the exemption holder may only take *Haliotis roei* provided that it is not less than 60 mm in length at its greatest dimension. All abalone must be landed in the shell.

3. On any day the exemption holder engages in the exempted activity only abalone of the species (*Haliotis roei*) may be taken.

4. No more than one registered master may engage in the exempted activity on any one day.

5. The exemption holder may conduct the exempted activity in more than one area as defined in Schedule 2 on any one day, as directed by an officer of the South Australian Research and Development Institute, provided that a separate notification pursuant to condition 6 below has been made for each area prior to conducting any fishing activity in that area.

6. The exemption holder must notify the PIRSA Fisheries Compliance Unit on 1800 244 317 prior to engaging in the exempted activity with the following information:

- the name of the person making the call and the Western Zone Abalone Fishery Licence Number;
- the name of the registered master who will be conducting the exempted activity on that day;
- the date on which the exempted activity will take place;
- the port of departure;
- the designated area from Schedule 2 which is to be fished; and
- where the exemption holder is nominating to fish in an additional designated area from the previous nominated designated area on any one day, the exemption holder must wait at least 30 minutes prior to leaving the point from where the nomination was made.

7. Upon completion of the day's fishing activities the exemption holder shall complete the Daily Research Data Logsheet provided including the following information:

- Drop Number;
- Fishing Location (each dive entry location using GPS marks in decimal minutes including seconds);
- Time Underwater;
- Swell;
- Number of *H. roei*;
- Tag Number; and
- CDR Number.

The completed Daily Research Data Logsheets must be posted or delivered to the Chief Scientist, South Australian Research and Development Institute within seven days of the completion of the day's fishing activities to which it relates.

8. Upon completion of the dive at each site and before landing, the exemption holder shall place the abalone in the bag supplied and complete the information on the tag provided including the date and CDR number. The catch is to be bagged separately for each dive location and the tag included with the catch. If more than one bag is taken in one dive location, the tag numbers are to be recorded in the row beneath the original on the Daily Research Data Logsheet provided.

The total number of bags for that day and the numbers of the tags placed on each bag shall be included on the CDR 1. The CDR 1 must be completed within 50 m of landing and the white and yellow copies of the CDR 1 must accompany the abalone to the fish processing premises.

9. The exemption holder must make a record in writing immediately at the conclusion of a fishing trip and before the abalone are consigned to a registered fish processor setting out details of the abalone taken during that fishing trip. This record must be completed within 50 m of the point of landing of the catch and before the catch is consigned to a nominated processor and/or taken onto processor premises where such premises are within 50 m of the point of landing or at the end of each day of fishing where the catch is not landed on that day. The details of such record shall be recorded on and be such as are sufficient to complete in triplicate a CDR 1 form.

10. All *Haliotis roei* taken pursuant to this notice shall be delivered to one of the registered fish processors detailed in Schedule 3 for weighing, within 48 hours of landing, within the State of South Australia.

11. The exemption holder shall not, during the period of this notice, take a combined quantity of *Haliotis roei* which exceeds 1 000 kg wholeweight.

12. The amount of *Haliotis roei* allocated pursuant to this notice is non-transferable.

13. The exemption holder shall not intentionally induce weight loss of abalone by any means.

14. The exemption holder whilst engaged in the exempted activity must conduct such activity from a boat registered pursuant to Western Zone Abalone Fishery Licence W16.

15. The exemption holder 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.

16. Whilst engaged in the exempted activity the exemption holder must have in his possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries Compliance Officer.

## SCHEDULE 2

## AREA 1

## Lipson Island Fishdown

All waters contained within the following boundaries:

latitude 34.2637° longitude 136.2667°, latitude 34.2638° longitude 136.2624°, latitude 34.2665° longitude 136.2667°, latitude 34.2665° longitude 136.2624°.

## Grindal Island Fishdown

All waters contained within the following boundaries:

latitude 34.9048° longitude 136.0398°, latitude 34.9050° longitude 136.0234°, latitude 34.9228° longitude 136.0400°, latitude 34.9230° longitude 136.0236°.

## AREA 2

## Venus Bay Fishdown

All waters contained within the following boundaries:

latitude 33.2301° longitude 134.6413°, latitude 33.2300° longitude 134.6301°, latitude 33.2469° longitude 134.6412°, latitude 33.2469° longitude 134.6301°.

## Kiana Beach Fishdown

All waters contained within the following boundaries:

latitude 34.0252° longitude 135.2707°, latitude 34.0252° longitude 135.2599°, latitude 34.0342° longitude 135.2708°, latitude 34.0342° longitude 135.2599°.

## AREA 3

## Smoothpool Bommie Fishdown

All waters contained within the following boundaries:

latitude 32.9352° longitude 134.0800°, latitude 32.9351° longitude 134.0640°, latitude 32.9442° longitude 134.0799°, latitude 32.9441° longitude 134.0639°.

## Highcliff Fishdown

All waters contained within the following boundaries:

latitude 32.8677° longitude 134.1021°, latitude 32.8677° longitude 134.0968°, latitude 32.8768° longitude 134.1020°, latitude 32.8767° longitude 134.0967°.

## AREA 4

## Clare Bay Fishdown

All waters contained within the following boundaries:

latitude 31.9520° longitude 132.6882°, latitude 31.9519° longitude 132.6813°, latitude 31.9568° longitude 132.6881°, latitude 31.9567° longitude 132.6812°.

## Pt Sinclair Fishdown

All waters contained within the following boundaries:

latitude 32.0995° longitude 132.9917°, latitude 32.0994° longitude 132.9864°, latitude 32.1063° longitude 132.9916°, latitude 32.1062° longitude 132.9863°.

## SCHEDULE 3

FP0008  
Western Abalone Processors Pty Ltd  
P.O. Box 914  
Port Lincoln, S.A. 5606

FP0120  
Smoothpool Nominees Pty Ltd  
Trading as Blancheport Fisheries  
12 Alfred Terrace  
Streaky Bay, S.A. 5680

FP0132  
Yorkeshell Pty Ltd  
Trading as Australian Southern Seafood  
P.O. Box 1579  
Port Lincoln, S.A. 5606

FP0142  
Eyewoolf Enterprises  
P.O. Box 73  
Streaky Bay, S.A. 5680

Dated 27 November 2000.

T. WARD, Principal Fisheries Manager

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Derwent McPherson, 10 Deloraine Court, Edwardstown, S.A. 5039 (hereinafter referred to as the 'exemption holder') is exempt from the provisions of the Fisheries Act 1982, but only insofar as he may take up to 100 freshwater shrimp (*Paratya australiensis*) for the purpose of aquaculture broodstock from the waters specified in Schedule 1 subject to the conditions in Schedule 2 (hereinafter referred to as the 'exempted activity').

## SCHEDULE 1

South Australian inland waters.

## SCHEDULE 2

1. The exemption holder may take a maximum of 100 freshwater shrimp (*Paratya australiensis*). All freshwater shrimp (*Paratya australiensis*) taken pursuant to this notice may not be sold or transferred to another party.

2. All freshwater shrimp (*Paratya australiensis*) taken pursuant to this notice must be delivered to and retained on the registered aquaculture site of land based Aquaculture Licence No. FT00028.

3. The exemption holder may engage in the exempted activity from the date of gazettal of this notice until 30 June 2001.

4. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least 24 hours prior to conducting the exempted activity with the following information:

- the intended method of conducting the permitted activity; and
- the intended time and location of conducting the permitted activity.

5. The permit holder must, within 14 days of collection of fish pursuant to this notice, provide a written report to PIRSA Fisheries and Aquaculture (PIRSA Fisheries, Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001) with details of the number of fish captured, the number of fish released into the aquaculture site and the number of mortalities.

6. While engaging in the exempted activity the exemption holder shall carry or have about or near his person a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer upon request.

7. The exemption holder 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 30 November 2000.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Branko Sarunic, P.O. Box 993, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'exemption holder') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1, in that the exemption holder shall not be guilty of an offence when using a fine mesh purse seine net for the taking of *Scomberesox forsteri* (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 exemption holder may engage in the permitted activity from the date of gazettal of this notice until 30 December 2001, or until revoked earlier by the Director of Fisheries.

2. This exemption is valid only in respect of a fishing boat (hereinafter referred to as the 'permitted boat') registered on the exemption holder's Marine Scalefish Fishery Licence No. M354.

3. The exemption holder 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 exemption holder must not conduct the permitted activity in waters less 10 m in depth.

5. The exemption holder may only use 1 purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

6. Whilst engaged in the permitted activity the exemption holder must not conduct another fishing activity and shall not use any of the devices registered on Marine Scalefish Fishery Licence No. M354.

7. The exemption holder must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

8. Any fish, other than the permitted species, taken by the exemption holder when engaging in the permitted activity must be immediately returned to the water.

9. The exemption holder must provide a separate statistical catch and effort written report, clearly marked 'Saury' (including zero returns if no fish have been taken during that calendar month) for each calendar month, within 15 days of the completion of each calendar month. This report is to include the following information:

- Dates of fishing activity.
- Exact locations of fishing activity.
- Total weight of fish collected.
- Mean size of fish collected.
- Weight and use of any fish sold.
- Any other information as requested from time to time by the Director of Fisheries.

10. Samples of 200 fish from each fishing activity must be provided to SARDI. These should be frozen as soon as practical after capture and clearly marked with the following catch information: location, date, depth, time and boat.

11. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 prior to conducting the permitted activity and provide the following information:

- (a) details of the boat that will be used to engage in the permitted activity;
- (b) the intended area of conducting the permitted activity; and
- (c) the intended place and time of launching and retrieval of the nominated boat for that day.

12. While engaged in the permitted activity the exemption holder must:

- (a) have in his possession the copy of this notice with which the Director of Fisheries has supplied him; and
- (b) produce that notice to a PIRSA Fisheries Compliance Officer forthwith, if requested to do so.

13. The exemption holder 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 30 November 2000.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Streaky Bay Aquaculture or their agents (hereinafter referred to as the 'exemption holder'), c/o 82 Wells Street, Streaky Bay, S.A. 5603, are exempt from section 41 of the Fisheries Act 1982, but only insofar as they may take greenlip abalone (*Haliotis laevis*) for the purpose of aquaculture broodstock (hereinafter referred to as the 'exempted activity') in the waters specified in Schedule 1 subject to the conditions in Schedule 2.

## SCHEDULE 1

South Australian coastal waters south and east of a line drawn due south through Point Brown (latitude 32°32.6'S, longitude 133°50.8'E) and west of the meridian of longitude 136°30'E.

## SCHEDULE 2

1. The exemption holder may take a maximum of 100 greenlip abalone (*Haliotis laevis*). All abalone taken pursuant to this notice may not be sold or transferred to another party.

2. All abalone taken pursuant to this notice must be delivered to and retained on the registered aquaculture site of landbased Aquaculture Licence No. FT00652.

3. The exemption holder may engage in the exempted activity from the date of gazettal of this notice until 30 June 2001.

4. The exempted activity may only be conducted by Martin Loipersberger, Dion Edmunds and/or Damon Edmunds.

5. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least 24 hours prior to conducting the exempted activity with the following information:

- details of the boat that will be used to engage in the exempted activity;
- the name of the person who will be conducting the exempted activity;
- the intended place and time of launching and retrieval of the nominated boat for that day; and
- the intended area of conducting the exempted activity.

6. The exemption holder must, within 50 m of the point of landing of any abalone taken pursuant to this notice, complete the PIRSA Fisheries form 'Abalone Broodstock Collection Statement'. Immediately upon arrival at the exemption holders registered aquaculture site, this form must be faxed to PIRSA Fisheries on (08) 8226 2320. Prior to release into the registered aquaculture site, all abalone taken pursuant to this notice must be tagged so as to be clearly identified as wild broodstock.

7. The exemption holder shall record the number of wild broodstock held pursuant to this notice in a register to be maintained at the registered aquaculture site, which must be made available for inspection by a PIRSA Fisheries Compliance Officer upon request.

8. PIRSA Fisheries Compliance Unit retains the right for a departmental officer to accompany the exemption holder at any time during the exempted activity.

9. While engaged in the exempted activity the exemption holder shall carry or have about or near his person a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer upon request.

10. The exemption holder 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 30 November 2000.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Doug Grasse (hereinafter referred to as the 'exemption holder'), P.O. Box 1781, Port Lincoln, S.A. 5606, is exempt from the Fisheries Act 1982, but only insofar as the exemption holder may take greenlip abalone (*Haliotis laevis*) for the purpose of aquaculture broodstock in the waters specified in Schedule 1 subject to the conditions in Schedule 2 (hereinafter referred to as the 'exempted activity') from the date of the gazettal of this notice until 28 February 2001.

## SCHEDULE 1

South Australian coastal waters.

## SCHEDULE 2

1. The exemption holder may take a maximum of 100 greenlip abalone (*Haliotis laevis*). All abalone taken pursuant to this notice must be transferred to the South Australian Research and Development Institute.

2. The exempted activity may only be conducted by Doug Grasse.

3. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least 24 hours prior to conducting the exempted activity with the following information:

- details of the boat that will be used to engage in the exempted activity;
- the name of the person who will be conducting the exempted activity;
- the intended place and time of launching and retrieval of the nominated boat for that day; and
- the intended area of conducting the exempted activity.

4. PIRSA Fisheries retains the right for a departmental officer to accompany the exemption holder at any time during the exempted activity.

5. While engaged in the exempted activity the exemption holder shall carry or have about or near his person a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer upon request.

6. The exemption holder 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 1 December 2000.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Joel Redman (hereinafter referred to as the 'exemption holder'), c/o Post Office, Southend, S.A. 5280, holder of Southern Zone Rock Lobster Fishery Licence No. S178, is exempt from the provision of Schedule 1, Clause 89 of the Fisheries (General) Regulations 2000, but only insofar as he may use up to three rock lobster pots which do not meet the size restrictions for a rock lobster pot for the purpose of trade or business (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 1 from the date of gazettal of this notice until 10 December 2000.

## SCHEDULE 1

1. The exempted activity must only be conducted from a boat registered on Southern Zone Rock Lobster Fishery Licence No. S178.

2. The exemption holder must not use more than 80 rock lobster pots whilst engaged in the exempted activity.

3. All pots which are exempted under this notice must have a tag attached under the head float. Each tag must be clearly marked with the words 'Adelaide University' followed by a consecutive number commencing at number one.

4. The exemption holder must have in his possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries Compliance Officer.

5. The exemption holder must 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 4 December 2000.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Port Vincent Primary School and Aquatic Centre or persons acting as their agents (hereinafter referred to as the 'exemption holder'), P.O. Box 116, Port Vincent, S.A. 5581, are exempt from section 41 of the Fisheries Act 1982, in that the exemption holder shall not be guilty of an offence when engaging in the activity specified in Schedule 1, in the waters specified in Schedule 2, subject to the conditions specified in Schedule 3, from the date of gazettal of this notice until 30 November 2001.

## SCHEDULE 1

Activities involving the taking, possessing and subsequent release of aquatic organisms (not including species protected pursuant to section 42 of the Fisheries Act 1982) from the waters specified in Schedule 2 for education purposes at the Port Vincent Primary School and Aquatic Centre agents (hereinafter referred to as the 'exempted activity').

## SCHEDULE 2

South Australian marine coastal waters of Gulf St Vincent, including intertidal 'rocky' reef areas, adjacent to Dowker Bluff.

## SCHEDULE 3

1. All organisms taken by the exemption holders are for display purposes only and may not be sold.

2. An employee of the Port Vincent Primary School and Aquatic Centre must be present at all times whilst conducting the exempted activity.

3. No more than five of any species may be taken or possessed at any one time.

4. The exemption holder must ensure that organisms taken pursuant to this notice are kept only with specimens taken from the same location.

5. All organisms released pursuant to this notice must be released as near as practicable to the point of capture.

6. Within 14 days of the collection of organisms pursuant to this notice, the exemption holder must provide a report in writing to the Director of Fisheries (Attention: Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001), giving the following details:

- the date and time of collection;
- the name and number of each species taken, including any mortalities resulting from collecting; and
- details of any organisms released.

7. Before collecting any organisms pursuant to this notice, the exemption holder must advise PIRSA Fisheries on 1800 065 522 with the following details:

- of the proposed location of collection;
- the proposed time and date on which the collections are to be made;
- details of any boats which may be used in the exempted activity; and
- the name of the authorised person conducting the exempted activity.

8. The exempted activity shall be undertaken in a manner to ensure minimal disturbance of the reef.

9. Whilst engaged in the exempted activity, the exemption holder must have in their possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries Compliance Officer.

10. The exemption holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by the notice.

Dated 4 December 2000.

W. ZACHARIN, Director of Fisheries

#### FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00006  
(PREVIOUS LICENCE NO. F605)

#### *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'), the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Ajka Pty Ltd (1673)  
Australian Bluefin Pty Ltd (1720)  
Emily Krstina (Australia) Pty Ltd (13053)  
Kinkawooka Pty Ltd (13225)  
P.O. Box 462  
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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('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. Local 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 Liability

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 by the General Manager Aquaculture, delegate of the Minister, on 7 December 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

The Common Seal of Ajka Pty Ltd (ACN 007 912 861) was hereunto affixed in the presence of:

(L.S.) L. GOBIN, Director  
J. GOBIN, Secretary

The Common Seal of Australian Bluefin Pty Ltd (ACN 058 441 722) was hereunto affixed in the presence of:

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

The Common Seal of Kinkawooka Pty Ltd (ACN 007 798 745) was hereunto affixed in the presence of:

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

The Common Seal of Emily Krstina Pty Ltd (ACN 060 571 708) was hereunto affixed in the presence of:

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

## SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
583256E 6161976N	20
583173E 6161587N	
582678E 6161676N	
582761E 6162067N	

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 a 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 eight 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**Sea cages**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 162 tonnes in total during the term of the licence.

## SCHEDULE 3

*Item 1—Fees*

Annual licence fees are:

	\$
ESD Study (Seafood Council) per hectare 20 at \$49 each.....	980.00
TEMP Environmental Monitoring Fee per hectare 20 at \$164 each.....	3 280.00
Base Licence Fee per hectare 20 at \$228 each.....	4 560.00
Fisheries Research and Development Corporation per hectare 20 at \$364 each.....	7 280.00
<b>Total Annual Licence Fee .....</b>	<b>16 100.00</b>
Quarterly Instalments.....	4 025.00

*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

MARINE TUNA FARMING LICENCE FB00007  
(PREVIOUS LICENCE NO. F606)*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'), the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Australian Bluefin Pty Ltd (1720)  
 Australian Tuna Fisheries Pty Ltd (13912)  
 Blaslov Fishing Pty Ltd (14231)  
 Emily Krstina (Australia) Pty Ltd (13053)  
 Sarunic & Sons Pty Ltd (14034)  
 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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('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. *Local 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 Liability*

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 by the General Manager Aquaculture, delegate of the Minister, on 7 December 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

The Common Seal of Emily Krstina Pty Ltd (ACN 060 571 708) was hereunto affixed in the presence of:

(L.S.) T. M. SANTIC, Director  
C. SANTIC, Secretary

The Common Seal of Australian Bluefin Pty Ltd (ACN 058 441 722) was hereunto affixed in the presence of:

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

The Common Seal of Australian Tuna Fisheries Pty Ltd (ACN 007 628 542) was hereunto affixed in the presence of:

(L.S.) M. STEHR, Director  
G. CHILLINGWORTH, Secretary

The Common Seal of Sarunic and Sons Pty Ltd (ABN 53 678 415 687) was hereunto affixed in the presence of:

(L.S.) J. SARUNIC, Director

The Common Seal of Blaslov Tuna Farm Pty Ltd (ACN 071 637 164) was hereunto affixed in the presence of:

(L.S.) P. NELLIGAN, Director  
S. SCHARFE, Secretary

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
585888E 6156478N	20
585752E 6156106N	
585306E 6156277N	
585440E 6156648N	

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 a 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 eight 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

Sea cages

##### 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 162 tonnes in total during the term of the Licence.

#### SCHEDULE 3

##### Item 1—Fees

Annual licence fees are:

	\$
ESD Study (Seafood Council) per hectare 20 at \$49 each .....	980.00
TEMP Environmental Monitoring Fee per hectare 20 at \$164 each .....	3 280.00
Base Licence Fee per hectare 20 at \$228 each .....	4 560.00
Fisheries Research and Development Corporation per hectare 20 at \$364 each .....	7 280.00
<b>Total Annual Licence Fee.....</b>	<b>16 100.00</b>
Quarterly Instalments.....	4 025.00

##### 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:

- 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

##### 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'), the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Australian Bluefin Pty Ltd (1720)  
 Stehr, M. A. (13911)  
 17 Freezer Road  
 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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('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. *Local 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 Liability

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 by the General Manager Aquaculture, delegate of the Minister, on 7 December 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

The Common Seal of Australian Bluefin Pty Ltd (ACN 058 441 722) was hereunto affixed in the presence of:

(L.S.) J. PUGLISI  
 R. WRIGHT, Director  
 M. STEHR, Witness

SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

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

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 a 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 eight 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*

*Sea cages*

*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:

	\$
ESD Study (Seafood Council) per hectare 30 at \$49 each .....	1 470.00
TEMP Environmental Monitoring Fee per hectare 30 at \$164 each .....	4 920.00
Base Licence Fee per hectare 30 at \$228 each.....	6 840.00
Fisheries Research and Development Corporation per hectare 30 at \$364 each.....	10 920.00
<b>Total Annual Licence Fee.....</b>	<b>24 150.00</b>
Quarterly Instalments.....	6 037.50

*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

## 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'), the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Australian Bluefin Pty Ltd (1720)  
17 Freezer Road  
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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('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. *Local 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 Liability**

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 by the General Manager Aquaculture, delegate of the Minister, on 7 December 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

The Common Seal of Australian Bluefin Pty Ltd (ACN 058 441 722) was hereunto affixed in the presence of:

(L.S.) J. 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	30
588991E 6158726N	
589245E 6158109N	
588829E 6157938N	

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 a 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 eight 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*

##### *Sea cages*

##### *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:

	\$
ESD Study (Seafood Council) per hectare 30 at \$49 each.....	1 470.00
TEMP Environmental Monitoring Fee per hectare 30 at \$164 each.....	4 920.00
Base Licence Fee per hectare 30 at \$228 each.....	6 840.00
Fisheries Research and Development Corporation per hectare 30 at \$364 each.....	10 920.00
<b>Total Annual Licence Fee</b> .....	<b>24 150.00</b>
Quarterly Instalments.....	6 037.50

##### *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

##### MARINE TUNA FARMING LICENCE FB00028

##### *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'), the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Australian Bluefin Pty Ltd (1720)  
17 Freezer Road  
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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('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. *Local 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 Liability*

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 by the General Manager Aquaculture, delegate of the Minister, on 7 December 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

The Common Seal of Australian Bluefin Pty Ltd (ACN 058 441 722) was hereunto affixed in the presence of:

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

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
591856E 6161449N	30
592046E 6160986N	
591491E 6160758N	
591300E 6161221N	

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 a 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 eight 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

Sea cages

##### 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>.

Fourteen sea cages each with a maximum diameter of 40 m.

#### SCHEDULE 3

##### Item 1—Fees

Annual licence fees are:

	\$
ESD Study (Seafood Council) per hectare 30 at \$49 each .....	1 470.00
TEMP Environmental Monitoring Fee per hectare 30 at \$164 each .....	4 920.00
Base Licence Fee per hectare 30 at \$228 each .....	6 840.00
Fisheries Research and Development Corporation per hectare 30 at \$364 each .....	10 920.00
<b>Total Annual Licence Fee.....</b>	<b>24 150.00</b>
Quarterly Instalments.....	6 037.50

##### 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.

#### 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 Schedule 10 of the Environment Protection (Marine) Policy 1994.

The licensee must submit a draft Environmental Monitoring Program in writing to the General Manager Aquaculture within 60 days after the grant of the licence by the Minister.

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Antony W. Smith (hereinafter referred to as the 'exemption holder'), P.O. Box 1375, Berri, S.A. 5343, holder of River Fishery Licence No. R54, is exempt from licence condition 234, but only insofar as the exemption holder shall not be guilty of an offence when taking Carp (Family Cyprinidae) and Bony bream (*Nematalosa erebi*) (hereinafter referred to as the 'permitted species') from the waters of Lake Bonney for the purpose of trade or business (hereinafter referred to as the 'exempted activity'), subject to the conditions in Schedule 1, from the date of gazettal of this notice until 30 June 2001.

## SCHEDULE 1

1. The exemption holder may only use a boat registered on River Fishery Licence No. R54 to conduct the exempted activity.

2. Any fish, other than the permitted species, taken by the exemption holder during the exempted activity must be immediately returned to the water.

3. While engaged in the exempted activity the exemption holder must have in his possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries Compliance Officer.

4. The exemption holder 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 8 December 2000.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Wayne Rumball, President of the Malacological Society of South Australia Inc. (hereinafter referred to as the 'exemption holder'), c/o Marine Invertebrates Section, South Australian Museum, North Terrace, Adelaide, S.A. 5000, or his agents are exempt from the provisions of clause 65 of Schedule 1 of the Fisheries (General) Regulations 2000 to engage in the activities specified in Schedule 1 (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 2 from 7 January 2001 to 14 January 2001 inclusive.

## SCHEDULE 1

The collection of aquatic organisms from South Australian coastal waters (including intertidal rocky reefs) adjacent to Kangaroo Island.

## SCHEDULE 2

1. All specimens collected by the exemption holder pursuant to this notice must not be sold.

2. Before collecting any specimens pursuant to this notice, the exemption holder must notify PIRSA Fisheries compliance on 1800 065 522 with details of the proposed locations and the dates on which the collections are to be made.

3. While engaging in the exempted activity, the exemption holder must carry identification proving membership of the Malacological Society.

4. Within 14 days of the collection of organisms pursuant to this notice, the exemption holder must provide a report in writing to the Director of Fisheries, (Attention: Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001), giving the following details:

- the date and time of collection;
- the description of all species collected; and
- the number of each species collected.

5. While engaging in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be produced.

6. The exemption holder 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 8 December 2000.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Wayne Rumball, President of the Malacological Society of South Australia Inc. (hereinafter referred to as the 'exemption holder'), c/o Marine Invertebrates Section, South Australian Museum, North Terrace, Adelaide, S.A. 5000, or his agents are exempt from the provisions of clause 65 of Schedule 1 of the Fisheries (General) Regulations 2000 to engage in the activities specified in Schedule 1 (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 2 from 7 January 2001 to 14 January 2001 inclusive.

## SCHEDULE 1

The collection of aquatic organisms from South Australian coastal waters (including intertidal rocky reefs) adjacent to Yorke Peninsula.

## SCHEDULE 2

1. All specimens collected by the exemption holder pursuant to this notice must not be sold.

2. Before collecting any specimens pursuant to this notice, the exemption holder must notify PIRSA Fisheries compliance on 1800 065 522 with details of the proposed locations and the dates on which the collections are to be made.

3. While engaging in the exempted activity, the exemption holder must carry identification proving membership of the Malacological Society.

4. Within 14 days of the collection of organisms pursuant to this notice, the exemption holder must provide a report in writing to the Director of Fisheries, (Attention: Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001), giving the following details:

- the date and time of collection;
- the description of all species collected; and
- the number of each species collected.

5. While engaging in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be produced.

6. The exemption holder 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 8 December 2000.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE NOTICE that pursuant to section 59 of the Fisheries Act 1982, Wayne Rumball, President of the Malacological Society of South Australia Inc. (hereinafter referred to as the 'exemption holder'), c/o Marine Invertebrates Section, South Australian Museum, North Terrace, Adelaide, S.A. 5000, or his agents are exempt from the provisions of clause 65 of Schedule 1 of the Fisheries (General) Regulations 2000 to engage in the activities specified in Schedule 1 (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 2 from 6 February 2001 to 16 February 2001 inclusive.

## SCHEDULE 1

The collection of aquatic organisms from South Australian coastal waters (including intertidal rocky reefs) adjacent to the West Coast of Eyre Peninsula.

## SCHEDULE 2

1. All specimens collected by the exemption holder pursuant to this notice must not be sold.

2. Before collecting any specimens pursuant to this notice, the exemption holder must notify PIRSA Fisheries compliance on 1800 065 522 with details of the proposed locations and the dates on which the collections are to be made.

3. While engaging in the exempted activity, the exemption holder must carry identification proving membership of the Malacological Society.

4. Within 14 days of the collection of organisms pursuant to this notice, the exemption holder must provide a report in writing to the Director of Fisheries, (Attention: Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001), giving the following details:

- the date and time of collection;
- the description of all species collected; and
- the number of each species collected.

5. While engaging in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be produced.

6. The exemption holder 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 8 December 2000.

W. ZACHARIN, Director of Fisheries

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Wayne Rumball, President of the Malacological Society of South Australia Inc. (hereinafter referred to as the 'exemption holder'), c/o Marine Invertebrates Section, South Australian Museum, North Terrace, Adelaide, S.A. 5000, or his agents are exempt from the provisions of clause 65 of Schedule 1 of the Fisheries (General) Regulations 2000 to engage in the activities specified in Schedule 1 (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 2 from 7 March 2001 to 17 March 2001 inclusive.

##### SCHEDULE 1

The collection of aquatic organisms from South Australian coastal waters (including intertidal rocky reefs) adjacent to Elliston.

##### SCHEDULE 2

1. All specimens collected by the exemption holder pursuant to this notice must not be sold.

2. Before collecting any specimens pursuant to this notice, the exemption holder must notify PIRSA Fisheries compliance on 1800 065 522 with details of the proposed locations and the dates on which the collections are to be made.

3. While engaging in the exempted activity, the exemption holder must carry identification proving membership of the Malacological Society.

4. Within 14 days of the collection of organisms pursuant to this notice, the exemption holder must provide a report in writing to the Director of Fisheries, (Attention: Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001), giving the following details:

- the date and time of collection;
- the description of all species collected; and
- the number of each species collected.

5. While engaging in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be produced.

6. The exemption holder 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 8 December 2000.

W. ZACHARIN, Director of Fisheries

#### FISHERIES ACT 1982: SECTION 59

TAKE NOTICE that pursuant to section 59 of the Fisheries Act 1982, Wayne Rumball, President of the Malacological Society of South Australia Inc. (hereinafter referred to as the 'exemption holder') c/o Marine Invertebrates Section, South Australian Museum, North Terrace, Adelaide, S.A. 5000, or his agents are exempt from the provisions of clause 65 of Schedule 1 of the Fisheries (General) Regulations 2000 to engage in the activities specified in Schedule 1 (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 2 from 7 March 2001 to 17 March 2001 inclusive.

##### SCHEDULE 1

The collection of aquatic organisms from South Australian coastal waters (including intertidal rocky reefs) adjacent to Yorke Peninsula.

##### SCHEDULE 2

1. All specimens collected by the exemption holder pursuant to this notice must not be sold.

2. Before collecting any specimens pursuant to this notice, the exemption holder must notify PIRSA Fisheries compliance on 1800 065 522 with details of the proposed locations and the dates on which the collections are to be made.

3. While engaging in the exempted activity, the exemption holder must carry identification proving membership of the Malacological Society.

4. Within 14 days of the collection of organisms pursuant to this notice, the exemption holder must provide a report in writing to the Director of Fisheries, (Attention: Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001), giving the following details:

- the date and time of collection;
- the description of all species collected; and
- the number of each species collected.

5. While engaging in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be produced.

6. The exemption holder 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 8 December 2000.

W. ZACHARIN, Director of Fisheries