

## SUPPLEMENTARY GAZETTE



THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE

---

PUBLISHED BY AUTHORITY

---

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

---

ADELAIDE, MONDAY, 12 NOVEMBER 2001

---

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 4436 and 4437, dated 9 October 2001, referring to Tarakan Pty Ltd and the taking of undersize Roe's abalone, is hereby revoked.

Dated 7 November 2001.

W. ZACHARIN, Director of Fisheries

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 4426 and 4427, dated 9 October 2001, referring to Tarakan Pty Ltd and the taking of undersize Roe's abalone, is hereby revoked.

Dated 7 November 2001.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Aquaculture Research Pty Ltd, 24 Flinders Drive, Streaky Bay, S.A. 5680 (or their registered masters) holder of Western Zone Abalone Fishery Licence No. W10, 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 the 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 20 December 2001, unless varied or revoked earlier.

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:

- (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 days 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 No. W10.

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:

##### Granite Island Fishdown

All waters contained within the following boundaries:

latitude 33.0152° longitude 134.1339°, latitude 33.0156° longitude 134.1251°, latitude 33.0191° longitude 134.1339°, latitude 33.0195° longitude 134.1251°.

##### 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 P/L  
P.O. Box 914  
Port Lincoln, S.A. 5606  
FP0120  
Smoothpool Nominees P/L  
Trading as Blanchepoint Fisheries  
12 Alfred Terrace  
Streaky Bay, S.A. 5680  
FP0132  
Yorkeshell P/L  
Trading as Australian Southern Seafood  
P.O. Box 1579  
Port Lincoln, S.A. 5606  
Dated 7 November 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Aquaculture Research Pty Ltd, 24 Flinders Drive, Streaky Bay, S.A. 5680 (or their registered masters) holder of Western Zone Abalone Fishery Licence No. W10, 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 the 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 20 December 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 days 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 No. W10.

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

## Granite Island Fishdown

All waters contained within the following boundaries:

latitude 33.0152° longitude 134.1339°, latitude 33.0156°  
longitude 134.1251°, latitude 33.0191° longitude 134.1339°,  
latitude 33.0195° longitude 134.1251°.

## 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 P/L  
P.O. Box 914  
Port Lincoln, S.A. 5606

FP0120

Smoothpool Nominees P/L  
Trading as Blanchepoint Fisheries  
12 Alfred Terrace  
Streaky Bay, S.A. 5680

FP0132

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

Dated 7 November 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00071  
(PREVIOUS LICENCE NO. F732)

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

THE Minister for Primary Industries and Resources ('the Minister') hereby grants to:

Smokey Bay Oyster Growers Pty Ltd (12194)  
Section 18, Hundred of Guthrie  
Mudamuckla, S.A. 5680

a licence to occupy and use the waters and airspace over the land 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 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 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. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

3. *Permitted Use*

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

4. *Permitted Methods*

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
  - 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
  - 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
  - 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
  - 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
  - 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;
  - 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.

#### 4.2 *SASQAP*

4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.

4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.

4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

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

The licensee:

- 5.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 5.2 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;
- 5.3 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
- 5.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

#### 6. *Site Inspection and Supervision*

The licensee:

- 6.1 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
- 6.2 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.

#### 7. *Fees and Returns*

The licensee:

- 7.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 7.2 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.

#### 8. *Public Risk Insurance*

The licensee must at its own cost during the term maintain 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. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

#### 9. *Guarantee or Indemnity Scheme*

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 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.

#### 10. *No Assignment*

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

#### 11. *Variation and Cancellation*

11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:

- 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
- 11.1.2 the results of any other monitoring as may from time to time be carried out; or
- 11.1.3 such other relevant information within the knowledge of the Minister.

11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:

- 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 11.2.2 cancel this licence for failure to comply with such requirements for rectification.

11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:

- 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 11.3.2 an order is made for the winding up or liquidation of the licensee;
- 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 11.3.5 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.

11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:

- 11.4.1 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
- 11.4.2 is convicted of an indictable offence.

11.5 Cancellation 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.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 2 November 2001.

I. NIGHTINGALE, General Manager Aquaculture

## SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
396884E 6416030N	12
397078E 6416021N	
397054E 6415409N	
396859E 6415410N	

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

*Item 2—Marked-off Areas*

[Co-ordinates of developed areas within the site to be provided by the licensee].

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

## SCHEDULE 2

*Item 1—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.

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods**Longlines*

The total length of each unit must not exceed 3 km of longline not less than 3 m apart, or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit.

*Item 3—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

1.2 ha developed with 3.6 km of BST longline or 1.2 km of racking on the site.

## SCHEDULE 3

*Item 1—Fees*

Annual licence fees are payable as prescribed in the licence renewal.

*Item 2—Insurance*

Ten million dollars (\$10 000 000).

*Item 3—Guarantee*

Ten thousand dollars (\$10 000).

## SCHEDULE 4

*Production Returns*

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager, Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

## SCHEDULE 5

*Environmental Monitoring Program*

## MATTERS TO BE ADDRESSED

The monitoring program should address the following matters in relation to the permitted use:

*Farm Management*

1. Approximate layout of all structures on the site during the term including location, number and size.
2. Growth and condition of the permitted species.
3. Occurrence of disease incidents in the permitted species.

*Water Quality*

1. Phytoplankton including species composition and abundance.

2. Status of the site under the South Australian Shellfish Quality Assurance Program during the term (including closures).

*Feral Oysters*

Presence and numbers of feral oysters.

*Benthic Sediments*

Sedimentation through measuring total organic carbon and particle size analysis of sediment samples.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition, distribution and abundance.

## METHODOLOGY

*Video Transects*

Video transects should be used to assess broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must extend across the site, including sections under the development, and extend 50 m out both sides of the site. The location of the video transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number.

*Report*

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

## SCHEDULE 6

*Schedule of Environmental Monitoring Reports*

The licensee must submit a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000.

## FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00122  
(PREVIOUS LICENCE NO. F799)

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

THE Minister for Primary Industries and Resources ('the Minister') hereby grants to:

Aquaculture South Australia Pty Ltd (12229)  
10 Kurrajong Road  
Gould Creek, S.A. 5114

a licence to occupy and use the waters and airspace over the land 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 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 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. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

## 2. Permitted Species

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

## 3. Permitted Use

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

## 4. Permitted Methods

4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:

- 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
- 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
- 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;
- 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.

## 4.2 SASQAP

- 4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.
- 4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.

4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

## 5. Marking and Maintaining the Site

The licensee:

- 5.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 5.2 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;
- 5.3 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
- 5.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

## 6. Site Inspection and Supervision

The licensee:

- 6.1 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
- 6.2 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.

## 7. Fees and Returns

The licensee:

- 7.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 7.2 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.

## 8. Public Risk Insurance

The licensee must at its own cost during the term maintain 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. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

## 9. Guarantee or Indemnity Scheme

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 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.

## 10. No Assignment

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

## 11. Variation and Cancellation

11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:

- 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
- 11.1.2 the results of any other monitoring as may from time to time be carried out; or
- 11.1.3 such other relevant information within the knowledge of the Minister.

11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:

- 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 11.2.2 cancel this licence for failure to comply with such requirements for rectification.

11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:

- 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 11.3.2 an order is made for the winding up or liquidation of the licensee;
- 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 11.3.5 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.
- 11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:
- 11.4.1 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
- 11.4.2 is convicted of an indictable offence.
- 11.5 Cancellation 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.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 12 November 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
765087E 6162609N	3.3
765193E 6162480N	
765354E 6162600N	
765247E 6162728N	

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

*Item 2—Marked-off Areas*

[Co-ordinates of developed areas within the site to be provided by the licensee].

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

SCHEDULE 2

*Item 1—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.

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods*

*Longlines*

The total length of each unit must not exceed 3 km of longline not less than 3 m apart, or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit.

*Item 3—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

3.3 ha developed by 30 June 2005.

SCHEDULE 3

*Item 1—Fees*

Annual licence fees are payable as prescribed in the licence renewal.

*Item 2—Insurance*

Ten million dollars (\$10 000 000).

*Item 3—Guarantee*

Ten thousand dollars (\$10 000).

SCHEDULE 4

*Production Returns*

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager, Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

SCHEDULE 5

*Environmental Monitoring Program*

MATTERS TO BE ADDRESSED

The monitoring program should address the following matters in relation to the permitted use:

*Farm Management*

1. Approximate layout of all structures on the site during the term including location, number and size.
2. Growth and condition of the permitted species.
3. Occurrence of disease incidents in the permitted species.

*Water Quality*

1. Phytoplankton including species composition and abundance.
2. Status of the site under the South Australian Shellfish Quality Assurance Program during the term (including closures).

*Feral Oysters*

Presence and numbers of feral oysters.

*Benthic Sediments*

Sedimentation through measuring total organic carbon and particle size analysis of sediment samples.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition, distribution and abundance.

METHODOLOGY

*Video Transects*

Video transects should be used to assess broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must extend across the site, including sections under the development, and extend 50 m out both sides of the site. The location of the video transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number.

*Report*

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

## SCHEDULE 6

*Schedule of Environmental Monitoring Reports*

The licensee must submit a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000.

## FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00123  
(PREVIOUS LICENCE NO. F800)

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

THE Minister for Primary Industries and Resources ('the Minister') hereby grants to:

Aquaculture South Australia Pty Ltd (12229)  
10 Kurrajong Road  
Gould Creek, S.A. 5114

a licence to occupy and use the waters and airspace over the land 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 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 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. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

3. *Permitted Use*

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

4. *Permitted Methods*

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
  - 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
  - 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
  - 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
  - 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
  - 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;

- 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.

4.2 *SASQAP*

- 4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.
- 4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.

- 4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

5. *Marking and Maintaining the Site*

The licensee:

- 5.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 5.2 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;
- 5.3 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
- 5.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

6. *Site Inspection and Supervision*

The licensee:

- 6.1 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
- 6.2 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.

7. *Fees and Returns*

The licensee:

- 7.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 7.2 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.

8. *Public Risk Insurance*

The licensee must at its own cost during the term maintain 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. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

9. *Guarantee or Indemnity Scheme*

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or

9.2 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.

#### 10. No Assignment

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

#### 11. Variation and Cancellation

11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:

- 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
- 11.1.2 the results of any other monitoring as may from time to time be carried out; or
- 11.1.3 such other relevant information within the knowledge of the Minister.

11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:

- 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 11.2.2 cancel this licence for failure to comply with such requirements for rectification.

11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:

- 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 11.3.2 an order is made for the winding up or liquidation of the licensee;
- 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 11.3.5 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.

11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:

- 11.4.1 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
- 11.4.2 is convicted of an indictable offence.

11.5 Cancellation 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.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 2 November 2001.

I. NIGHTINGALE, General Manager Aquaculture

## SCHEDULE 1

### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
765703E 6162967N	3.3
765649E 6163031N	
765326E 6162793N	
765381E 6162728N	

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

### Item 2—Marked-off Areas

[Co-ordinates of developed areas within the site to be provided by the licensee].

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

## SCHEDULE 2

### Item 1—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.

Pacific Oysters (*Crassostrea gigas*)

### Item 2—Permitted Farming Methods

#### Longlines

The total length of each unit must not exceed 3 km of longline not less than 3 m apart, or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit.

### Item 3—Criteria for Development of Marine Aquaculture Sites

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

3.3 ha developed by 30 June 2005.

## SCHEDULE 3

### Item 1—Fees

Annual licence fees are payable as prescribed in the licence renewal.

### Item 2—Insurance

Ten million dollars (\$10 000 000).

### Item 3—Guarantee

Ten thousand dollars (\$10 000).

## SCHEDULE 4

### Production Returns

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager, Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

## SCHEDULE 5

### Environmental Monitoring Program

#### MATTERS TO BE ADDRESSED

The monitoring program should address the following matters in relation to the permitted use:

#### Farm Management

1. Approximate layout of all structures on the site during the term including location, number and size.
2. Growth and condition of the permitted species.
3. Occurrence of disease incidents in the permitted species.

#### Water Quality

1. Phytoplankton including species composition and abundance.

2. Status of the site under the South Australian Shellfish Quality Assurance Program during the term (including closures).

#### *Feral Oysters*

Presence and numbers of feral oysters.

#### *Benthic Sediments*

Sedimentation through measuring total organic carbon and particle size analysis of sediment samples.

#### *Benthic Fauna and Flora*

Benthic macro-flora communities including composition, distribution and abundance.

### METHODOLOGY

#### *Video Transects*

Video transects should be used to assess broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must extend across the site, including sections under the development, and extend 50 m out both sides of the site. The location of the video transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number.

#### *Report*

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

### SCHEDULE 6

#### *Schedule of Environmental Monitoring Reports*

The licensee must submit a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000.

### FISHERIES ACT 1982

MARINE MOLLUSC (SUBTIDAL) FARMING LICENCE FS00028  
(PREVIOUS LICENCE NO. FM00340)

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

THE Minister for Primary Industries and Resources ('the Minister') hereby grants to:

Aquaculture South Australia Pty Ltd (12229)  
10 Kurrajong Road  
Gould Creek, S.A. 5114

a licence to occupy and use the waters and airspace over the land 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 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

### CONDITIONS OF THIS LICENCE

#### 1. *Marked-off Areas*

1.1 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. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

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

#### 2. *Permitted Species*

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

#### 3. *Permitted Use*

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

#### 4. *Permitted Methods*

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
  - 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
  - 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
  - 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
  - 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
  - 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;
  - 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.

#### 4.2 *SASQAP*

- 4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.
- 4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.

4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

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

The licensee:

- 5.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 5.2 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;
- 5.3 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

5.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

#### 6. *Site Inspection and Supervision*

The licensee:

- 6.1 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
- 6.2 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.

#### 7. *Fees and Returns*

The licensee:

- 7.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 7.2 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.

#### 8. *Public Risk Insurance*

The licensee must at its own cost during the term maintain 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. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

#### 9. *Guarantee or Indemnity Scheme*

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 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.

#### 10. *No Assignment*

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

#### 11. *Variation and Cancellation*

- 11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:
  - 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
  - 11.1.2 the results of any other monitoring as may from time to time be carried out; or
  - 11.1.3 such other relevant information within the knowledge of the Minister.
- 11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:
  - 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
  - 11.2.2 cancel this licence for failure to comply with such requirements for rectification.

11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:

- 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 11.3.2 an order is made for the winding up or liquidation of the licensee;
- 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 11.3.5 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.

11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:

- 11.4.1 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
- 11.4.2 is convicted of an indictable offence.

11.5 Cancellation 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.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 2 November 2001.

I. NIGHTINGALE, General Manager Aquaculture

#### SCHEDULE 1

##### Item 1—*The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
770600E 6160500N	6.6
770733E 6160500N	
770733E 6160000N	
770600E 6160000N	

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

##### Item 2—*Marked-off Areas*

[Co-ordinates of developed areas within the site to be provided by the licensee].

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

#### SCHEDULE 2

##### Item 1—*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:

Blacklip Abalone (*Haliotis rubra*)  
 Blue Mussels (*Mytilus edulis*)  
 Greenlip Abalone (*Haliotis laevigata*)  
 Native Oysters (*Ostrea angasi*)  
 Pacific Oysters (*Crassostrea gigas*)  
 Commercial (King) Scallops (*Pecten fumatus*)  
 Queen Scallops (*Equichlamys bifrons*)  
 Dough Boy Scallops (*Mimachlamys asperrimus*)

##### Item 2—*Permitted Farming Methods*

Longlines

<i>Oysters</i>	
Size (mm)	Number per Hectare
3	2 500 000
10	1 600 000
20	1 100 000
30	750 000
40	500 000
50	350 000
60	200 000
70	150 000
80	100 000

<i>Mussels and Scallops</i>	
Size (mm)	Number per Hectare
3	30 000 000
10	20 000 000
20	16 000 000
30	13 000 000
40	6 000 000
50	4 000 000
60	2 000 000
70	1 500 000
80	1 000 000
90	750 000
100	500 000

The licence holder must source all farm stock from either:

- (a) registered South Australian growers or hatcheries; or
- (b) wholly from, or the progeny of, wild stocks from South Australian waters.

The licence holder must not stock the site with more than 50 000 individuals of the permitted species at any time. The size of the abalone shell measured at the greatest shell dimension, must not be less than 20 mm in length and must not be greater than 90 mm in length.

The licence holder must maintain a mortality register and record the mortalities of all farm abalone. Mortalities must be physically counted at intervals of no more than three months.

The licence holder must keep the mortality register for 12 months from the last entry date. A photocopy of the register for the period from the date of this licence to 30 June 2000 must be forwarded to PIRSA General Manager Aquaculture on or before 14 July 2000. A photocopy of the registers for the period from 1 July 2000 to 30 June 2001 must be forwarded to the General Manager Aquaculture on or before 14 July 2001.

The licence holder must make available all farm registers for inspection by PIRSA Fisheries and Aquaculture Compliance Officers immediately upon being requested by such an officer.

The licence holder must complete a 'Farmed Abalone Disposal Statement' and forward this statement to PIRSA Fisheries and Aquaculture Compliance at least 48 hours prior to disposal of farmed stock.

The licence holder must comply with the Fisheries Act 1982 while transporting fish. All fish moved from the site must be moved 'in shell'.

The licence holder must ensure that no processing occurs at sea and must further ensure that no dead farm fish or waste is deposited at sea.

#### *Item 3—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

- 6.6 ha developed by 30 June 2005.

#### SCHEDULE 3

##### *Item 1—Fees*

Annual licence fees are payable as prescribed in the licence renewal.

##### *Item 2—Insurance*

Ten million dollars (\$10 000 000).

#### *Item 3—Guarantee*

Ten thousand dollars (\$10 000).

#### SCHEDULE 4

##### *Production Returns*

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager, Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

#### SCHEDULE 5

##### *Environmental Monitoring Program*

#### MATTERS TO BE ADDRESSED

The monitoring program should address the following matters in relation to the permitted use:

##### *Farm Management*

1. Approximate layout of all structures on the site during the term including location, number and size.
2. Growth and condition of the permitted species.
3. Occurrence of disease incidents in the permitted species.

##### *Water Quality*

1. Phytoplankton including species composition and abundance.
2. Status of the site under the South Australian Shellfish Quality Assurance Program during the term (including closures).

##### *Benthic Sediments*

Sedimentation through measuring total organic carbon and particle size analysis of sediment samples.

##### *Benthic Fauna and Flora*

Benthic macro-flora communities including composition, distribution and abundance.

#### METHODOLOGY

##### *Video Transects*

Video transects should be used to assess broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must extend across the site, including sections under the development, and extend 50 m out both sides of the site. The location of the video transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number.

##### *Report*

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

#### SCHEDULE 6

##### *Schedule of Environmental Monitoring Reports*

The licensee must submit a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000.

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Sietse Venema, holder of River Fishery Licence No. R41, (hereinafter referred to as the 'exemption holder'), 8 Anabranck Place, Renmark, S.A. 5341, is exempt from the Fisheries Act 1982, but only insofar as the exemption holder shall not be guilty of an offence when taking up to 10 Murray Cod (*Maccullochella peelii*) during the closed season (hereinafter referred to as the 'exempted activity'), subject to the conditions specified in Schedule 1, from the date of gazettal of this notice until 24 November 2001.

## SCHEDULE 1

1. The exemption holder may take up to a maximum of 10 legal sized Murray Cod (*Maccullochella peelii*) from within the waters specified for River Fishery Licence No. R41. All fish taken pursuant to this notice are for broodstock purposes only, and must not be sold for commercial purposes.

2. All fish must be held in the live holding facility situated at 37 Meander Avenue, Renmark, S.A. 5341. No fish may be retained at these premises after 24 November 2001. At this time four fish may be retained by SARDI Aquatic Sciences and the remainder must be returned to the place of capture under the direct supervision of SARDI Aquatic Sciences staff or PIRSA Fisheries Compliance Officer. Every effort should be made to return the remaining four fish to as near as practical to the point of capture on completion of the experiment or by 31 December 2001, whichever is the sooner.

3. PIRSA Fisheries retains the right for a departmental officer to observe the exempted activity at any time.

4. The exemption holder must notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least two hours prior to conducting the exempted activity and provide the following information:

- the intended launch and retrieval time and location;
- the intended fishing area; and
- details of the boat to be used.

5. If any Murray Cod are taken to the live holding facility at 37 Meander Avenue, Renmark, the exemption holder must notify PIRSA Fisheries Compliance Unit on 1800 065 522 immediately, and ensure that the premises are available for inspection.

6. The exemption holder must, within 14 days of collection of fish pursuant to this notice, provide a written report to Director of Fisheries (PIRSA Fisheries, Sean Sloan, G.P.O. Box 1625, Adelaide, S.A. 5001) with details of the number of fish captured, the time held at the holding facility, the number of fish released into the Pilby Creek research site, the number released back into the River, the time and date of release, and the number of any incidental mortalities.

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

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

Dated 8 November 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, S. Costa, holder of River Fishery Licence No. R04, (hereinafter referred to as the 'exemption holder'), 37 Meander Avenue, Renmark, S.A. 5341, is exempt from the Fisheries Act 1982, but only insofar as the exemption holder shall not be guilty of an offence when taking up to five Murray Cod (*Maccullochella peelii*) during the closed season (hereinafter referred to as the 'exempted activity'), subject to the conditions specified in Schedule 1, from the date of gazettal of this notice until 24 November 2001.

## SCHEDULE 1

1. The exemption holder may take up to a maximum of five legal sized Murray Cod (*Maccullochella peelii*) from within the waters specified for River Fishery Licence No. R04. All fish taken pursuant to this notice are for broodstock purposes only, and must not be sold for commercial purposes.

2. All fish must be held in the live holding facility situated at 37 Meander Avenue, Renmark, S.A. 5341. No Murray Cod may be retained at these premises after 24 November 2001. At this time four fish may be retained by SARDI Aquatic Sciences and any remaining fish must be returned to the place of capture under the direct supervision of SARDI Aquatic Sciences staff or PIRSA Fisheries Compliance Officer. Every effort should be made to return the remaining four fish, kept by SARDI Aquatic Sciences, to as near as practical to the point of capture on completion of the experiment or by 31 December 2001, whichever is the sooner.

3. PIRSA Fisheries retains the right for a departmental officer to observe the exempted activity at any time.

4. The exemption holder must notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least two hours prior to conducting the exempted activity and provide the following information:

- the intended launch and retrieval time and location;
- the intended fishing area; and
- details of the boat to be used.

5. If any Murray Cod are taken to the live holding facility at 37 Meander Avenue, Renmark, the exemption holder must notify PIRSA Fisheries Compliance Unit on 1800 065 522 immediately, and ensure that the premises are available for inspection.

6. The exemption holder must, within 14 days of collection of fish pursuant to this notice, provide a written report to Director of Fisheries (PIRSA Fisheries, Sean Sloan, G.P.O. Box 1625, Adelaide, S.A. 5001) with details of the number of fish captured, the time held at the holding facility, the number of fish released into the Pilby Creek research site, the number released back into the River, the time and date of release, and the number of any incidental mortalities.

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

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

Dated 8 November 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 43

*Limit on the Number of Registered Devices*

TAKE notice that pursuant to section 43 of the Fisheries Act 1982, it is hereby declared that except as provided for in Schedule 2 the number of devices that may be lawfully used by a holder of a fishing licence in relation to a fishing activity undertaken pursuant to the licence is limited to the number of devices registered to the licence holder as at 1 July 2001 for the period specified in Schedule 1.

## SCHEDULE 1

From the date of this notice to 30 June 2002 inclusive, unless this notice is revoked or varied earlier.

## SCHEDULE 2

New devices to be known as sand crab pots may be used upon registration by certain licence holders in the Marine Scalefish Fishery.

Dated 8 November 2001.

W. ZACHARIN, Director of Fisheries