

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, TUESDAY, 18 JUNE 2002

FISHERIES ACT 1982

MARINE FINFISH FARMING LICENCE FF00060

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

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Clean Seas Aquaculture Growout Pty Ltd (28396)
1 North Quay Boulevard
Port Lincoln, S.A. 5606

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 not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
 - 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 apply the permitted farming methods set out in Schedule 2 of this licence;
 - 4.1.5 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.2;
 - 4.1.6 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.5 by the Minister;
 - 4.1.7 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;

4.1.8 must implement a management strategy approved by the Minister and as specified in Clause 4.3 to manage interactions with seabirds and marine mammals;

4.1.9 must not introduce the permitted species to the site before approval of the management strategy specified in 4.1.8 by the Minister.

4.2 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.

4.3 The licensee must submit a draft strategy for managing interactions with sea birds and marine mammals to the Minister within 60 days of the grant of the licence by the Minister. The draft strategy must identify potential interactions with and risks to sea birds and marine mammals and the measures proposed to minimise interactions with and risks to sea birds and marine mammals.

5. *Sea Cages*

The licensee 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.

6. *Location of Sea Cages*

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

7. *Marking and Maintaining the Site*

The licensee:

- 7.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 7.2 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;
- 7.3 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
- 7.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

8. *Site Inspection and Supervision*

The licensee:

- 8.1 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
- 8.2 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.

9. *Fees and Returns*

The licensee:

- 9.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 9.2 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.

10. 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.

11. Guarantee or Indemnity Scheme

The licensee must either:

- 11.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 11.2 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.

12. No Assignment

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

13. Variation and Cancellation

- 13.1 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:
 - 13.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
 - 13.1.2 the results of any other monitoring as may from time to time be carried out; or
 - 13.1.3 such other relevant information within the knowledge of the Minister.
- 13.2 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:
 - 13.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
 - 13.2.2 cancel this licence for failure to comply with such requirements for rectification.
- 13.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:
 - 13.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 13.3.2 an order is made for the winding up or liquidation of the licensee;
 - 13.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 13.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 13.3.5 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.
- 13.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:

13.4.1 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

13.4.2 is convicted of an indictable offence.

- 13.5 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 17 May 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
648784E 6242944N	20
649172E 6242715N	
648947E 6242332N	
648559E 6242561N	

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

Item 2—Marked-off Areas

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

SCHEDULE 2

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.

Black Bream (*Acanthopagrus butcheri*)
 Snapper (*Pagrus auratus*)
 Yellowtail King Fish (*Seriola lalandi*)
 Mulloway (*Argyrosomus hololepidotus*)

Item 2—Permitted Farming Methods

There must be a minimum clearance of at least 3 m between the bottom of each sea cage and the sea bed.

Sea Cages 12

Item 3—Stocking Rates

The maximum stocking density of all fish on the site must not exceed 10kg/m³. The maximum standing stock on the site must not exceed 200 tonnes. A total of 10 seacages, with a maximum of 5 seacages with a diameter of 25 m and 5 seacages with a diameter of 40 m.

Item 4—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 cage of 20 m diameter.

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

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

Farm Management

Approximate layout of all structures on the site including location, number and size.

Stocking density of the permitted species held on the site.

Dates and numbers of the permitted species stocked and harvesting on the site.

Occurrence of disease incidents in the permitted species on the site.

Benthic Sediments

Redox potential.

Infauna communities including composition and abundance.

Benthic Fauna and Flora

Benthic macro-flora communities including composition and abundance.

Benthic macro-fauna communities including composition and abundance.

METHODOLOGY

Draft Environmental Monitoring Program

The draft environmental monitoring program needs to detail the site layout and sampling sites, including control sites.

Sediment Cores

Sediment cores should be used to assess the infauna composition and abundance of the sediments. Sediment cores should be 50 mm wide and inserted into the sediments to 150 mm. Samples need to be rinsed through a 1 000 µm mesh. Collection of the cores should be visible on the videos when possible.

Infauna samples must be preserved in Bennett's solution and stained with Thyloxin-B initially. After sorting the samples should be labelled inside and outside the containers with details of the date of collection, site location, collection method, and the collector's and identifier's name. The samples must be preserved in 70% alcohol and kept in storage for two years to allow for auditing or further analysis if required.

Video Transects

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

Video transects must be collected using equipment capable of producing a clear and well lit image in Hi-8 format for computerised image analysis using a Sony Hi-8 digital camera or equivalent capable of operating at a minimum of 3 lux. The underwater housing must be fitted with a minimum of two 50 W lights. Transects must be at least 150 m long and a transect line marked at 5 m intervals must be visible at all times. The date and 'live' time should also be visible. The location and unique number of each transect must be clearly marked on a map that includes details of the site layout. The diver should gently disturb the sediment by hand at the start, middle and end of each transect to reveal the colour of the sediments below the surface.

Report

The environmental monitoring report must contain a synthesis of the data, statistical analysis and interpretation of the results. All raw data and video footage must also be presented to Aquaculture SA in electronic format and hard copy.

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 an environmental monitoring program report within six months of the commencement of this licence and 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, during the term of this licence.

FISHERIES ACT 1982

MARINE FINFISH FARMING LICENCE FF00061

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

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Clean Seas Aquaculture Growout Pty Ltd (28396)
1 North Quay Boulevard
Port Lincoln, S.A. 5606

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 not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;

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 apply the permitted farming methods set out in Schedule 2 of this licence;
 - 4.1.5 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.2;
 - 4.1.6 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.5 by the Minister;
 - 4.1.7 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;
 - 4.1.8 must implement a management strategy approved by the Minister and as specified in Clause 4.3 to manage interactions with seabirds and marine mammals;
 - 4.1.9 must not introduce the permitted species to the site before approval of the management strategy specified in 4.1.8 by the Minister.
- 4.2 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.
- 4.3 The licensee must submit a draft strategy for managing interactions with sea birds and marine mammals to the Minister within 60 days of the grant of the licence by the Minister. The draft strategy must identify potential interactions with and risks to sea birds and marine mammals and the measures proposed to minimise interactions with and risks to seabirds and marine mammals.

5. *Sea Cages*

The licensee 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.

6. *Location of Sea Cages*

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

7. *Marking and Maintaining the Site*

The licensee:

- 7.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 7.2 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;
- 7.3 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
- 7.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

8. *Site Inspection and Supervision*

The licensee:

- 8.1 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
- 8.2 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.

9. *Fees and Returns*

The licensee:

- 9.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 9.2 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.

10. *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.

11. *Guarantee or Indemnity Scheme*

The licensee must either:

- 11.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 11.2 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.

12. *No Assignment*

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

13. *Variation and Cancellation*

- 13.1 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:
 - 13.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
 - 13.1.2 the results of any other monitoring as may from time to time be carried out; or
 - 13.1.3 such other relevant information within the knowledge of the Minister.
- 13.2 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:

- 13.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 13.2.2 cancel this licence for failure to comply with such requirements for rectification.
- 13.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:
- 13.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 13.3.2 an order is made for the winding up or liquidation of the licensee;
- 13.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 13.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 13.3.5 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.
- 13.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:
- 13.4.1 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
- 13.4.2 is convicted of an indictable offence.
- 13.5 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 6 June 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
657333E 6248318N	20
657650E 6247999N	
657335E 6247686N	
657018E 6248005N	

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

Item 2—Marked-off Areas

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

SCHEDULE 2

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.

Black Bream (*Acanthopagrus butcheri*)
 Snapper (*Pagrus auratus*)
 Yellowtail King Fish (*Seriola lalandi*)
 Mulloway (*Argyrosomus hololepidotus*)

Item 2—Permitted Farming Methods

There must be a minimum clearance of at least 3 m between the bottom of each sea cage and the sea bed.

Sea Cages 10

Item 3—Stocking Rates

The maximum stocking density of all fish on the site must not exceed 10 kg/m³.

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

A total of 10 sea cages, with a maximum of 5 sea cages with a diameter of 25 m and 5 sea cages with a diameter of 40 m.

Item 4—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 cage of 20 m diameter.

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

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

Farm Management

Approximate layout of all structures on the site including location, number and size.

Stocking density of the permitted species held on the site.

Dates and numbers of the permitted species stocked and harvesting on the site.

Occurrence of disease incidents in the permitted species on the site.

Benthic Sediments

Redox potential.

Infauna communities including composition and abundance.

Benthic Fauna and Flora

Benthic macro-flora communities including composition and abundance.

Benthic macro-fauna communities including composition and abundance.

METHODOLOGY

Draft Environmental Monitoring Program

The draft environmental monitoring program needs to detail the site layout and sampling sites, including control sites.

Sediment Cores

Sediment cores should be used to assess the infauna composition and abundance of the sediments. Sediment cores should be 50 mm wide and inserted into the sediments to 150 mm. Samples need to be rinsed through a 1 000 µm mesh. Collection of the cores should be visible on the videos when possible.

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Video Transects

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Video transects must be collected using equipment capable of producing a clear and well lit image in Hi-8 format for computerised image analysis using a Sony Hi-8 digital camera or equivalent capable of operating at a minimum of 3 lux. The underwater housing must be fitted with a minimum of two 50 W lights. Transects must be at least 150 m long and a transect line marked at 5 m intervals must be visible at all times. The date and 'live' time should also be visible. The location and unique number of each transect must be clearly marked on a map that includes details of the site layout. The diver should gently disturb the sediment by hand at the start, middle and end of each transect to reveal the colour of the sediments below the surface.

Report

The environmental monitoring report must contain a synthesis of the data, statistical analysis and interpretation of the results. All raw data and video footage must also be presented to Aquaculture SA in electronic format and hard copy.

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 an environmental monitoring program report within six months of the commencement of this licence and 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, during the term of this licence.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00148 (PREVIOUS LICENCE NO. F829)

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

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Garry D. Barnes (1737)
Mona I. Barnes (20142)
33 West Terrace
Port Broughton, S.A. 5522

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 6 June 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
765792E 6278559N	10
765971E 6278469N	
765745E 6278022N	
765566E 6278112N	

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.

Native Oysters (*Ostrea angasi*)
Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods**Racks**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 ha developed with 3 km of BST longline or 1 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 FM00128
(PREVIOUS LICENCE NO. F805)

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

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Craig N. Ivey (12232)
2 Casey Street
Port Broughton, S.A. 5522

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 6 June 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
767595E 6281886N	10
767728E 6281834N	
767621E 6281504N	
767593E 6281515N	
767400E 6281106N	
767295E 6281148N	
767488E 6281557N	

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

BST Longlines

Racks

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 ha developed with 3 km of BST longline or 1 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 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 FM00120
(PREVIOUS LICENCE NO. F797)

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

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Kenneth A. Smith (12228)
2 Hornby Road
Port Broughton, S.A. 5522

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 6 June 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
767222E 6281065N	10
767332E 6280968N	
766878E 6280455N	
766768E 6280552N	

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 ha developed with 3 km of BST longline or 1 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 FM00111
(PREVIOUS LICENCE NO. F787)

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

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Michael W. Simounds (28785)
Annette L. Simounds (19977)
P.O. Box 78
Port Broughton, S.A. 5522

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 encumbrance 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 6 June 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
768238E 6283624N	5
768038E 6283629N	
768035E 6283530N	
768236E 6283525N	

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:

0.5 ha developed with 1.5 km of BST longline or 0.5 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: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, K. F. Varcoe (19810), RDI Investments Pty Ltd (19808), W. S. Varcoe (19809) (or his agent) (hereinafter referred to as the 'exemption holder'), Parker Avenue, Strathalbyn, S.A. 5255, shall not be guilty of an offence when engaging in the activities and to do the acts specified in Schedule 1 subject to the conditions specified in Schedule 2 from the date of gazettal of this exemption until revoked by the Director of Fisheries.

SCHEDULE 1

The importation and release of Catfish (*Tandanus tandanus*) in ponds located at section 56 in the Hundred of Alexandrina.

SCHEDULE 2

1. The exemption holder must maintain adequate security arrangements to prevent escapement of fish (ova, fry, or adult) into any South Australian waters.
2. Fish obtained within South Australia for use on the registered fish farm must be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.
3. Fish must not be collected from rivers, streams, lakes or other inland waters of this State unless prior approval for this collection is granted by the Director of Fisheries.
4. The exemption holder must not import any live fish (ova, fry, or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.
5. The exemption holder must not contravene or fail to comply with the Fisheries Act 1982 or any regulations made under the Act, except where specifically permitted by this notice.
6. The exemption holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a PIRSA Fisheries and Aquaculture Compliance Officer, produce that permit for inspection.
7. The fish farmer must report all notifiable diseases to the General Manager Aquaculture.
8. The fish farmer must monitor farm fish mortalities and notify the General Manager Aquaculture of a mortality rate over 5% in 24 hours.

Dated 31 May 2002.

I. NIGHTINGALE, General Manager Aquaculture,
as the delegate of the Minister for Agriculture, Food and Fisheries

FT00641

FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Helen D. Glazbrook (30659), John L. Glazbrook (30658), Timothy J. Glazbrook (30660) (or his agent) (hereinafter referred to as the 'exemption holder'), P.O. Box 112, Minlaton, S.A. 5575, shall not be guilty of an offence when engaging in the activities and to do the acts specified in Schedule 1 subject to the conditions specified in Schedule 2 from the date of gazettal of this exemption until revoked by the Director of Fisheries.

SCHEDULE 1

The importation and release of Black Bream (*Acanthopagrus butcheri*); Catfish (*Tandanus tandanus*) into ponds located at section 72 in the Hundred of Minlacowie.

SCHEDULE 2

1. The exemption holder must maintain adequate security arrangements to prevent escapement of fish (ova, fry, or adult) into any South Australian waters.

2. Fish obtained within South Australia for use on the registered fish farm must be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

3. Fish must not be collected from rivers, streams, lakes or other inland waters of this State unless prior approval for this collection is granted by the Director of Fisheries.

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

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

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

7. The fish farmer must report all notifiable diseases to the General Manager Aquaculture.

8. The fish farmer must monitor farm fish mortalities and notify the General Manager Aquaculture of a mortality rate over 5% in 24 hours.

Dated 31 May 2002.

I. NIGHTINGALE, General Manager Aquaculture,
as the delegate of the Minister for Agriculture,
Food and Fisheries

FT00699

FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Peter S. Farrow (hereinafter referred to as the 'exemption holder'), c/o Post Office, Coobowie, S.A. 5583, is exempt from sections 34 and 41 the Fisheries Act 1982, but only insofar as the exemption holder may take *Haliotis cyclobates* of any size in South Australian coastal waters subject to the conditions in Schedule 1 (hereinafter referred to as the 'exempted activity') from the date of the gazettal of this notice until 31 December 2002, unless varied or revoked earlier.

SCHEDULE 1

1. The exemption holder may take a maximum of 800 *Haliotis cyclobates*. All abalone taken pursuant to this notice must be transferred to a site as determined by the South Australian Research and Development Institute.

2. The exempted activity may only be conducted by Peter S. Farrow, c/o Post Office, Coobowie, S.A. 5583.

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 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. The exemption holder must provide the Director of Fisheries (Attention: Roger Hill, P.O. Box 282, Port Adelaide, S.A. 5015) with a report on the number of abalone taken and sites of collection.

6. No abalone taken under this exemption may be sold or transferred to another person or company.

7. 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.

8. 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 9 June 2002.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Stephen Rufus or persons acting as his authorised agents (hereinafter referred to as the 'exemption holder') in his capacity as Chief Executive Officer of Kingston District Council, P.O. Box 321, Kingston, S.E. 5275, is exempt from the provisions of section 34 of the Fisheries Act 1982, but only insofar as the exemption holder shall not be guilty of an offence whilst engaged in the collection of beach-cast seagrass/seaweed and algal material (hereinafter referred to as the 'exempted activity') in the waters specified in Schedule 1 (hereinafter referred to as the 'permitted area'), subject to the conditions specified in Schedule 2, from the date of gazettal of this notice until 30 June 2002, unless varied or revoked earlier.

SCHEDULE 1

A section of the main foreshore beach at Kingston SE between the low water mark and high water mark extending from the Kingston town jetty to the boat ramp opposite Thredgold Avenue, Kingston SE.

SCHEDULE 2

1. Only unattached beach-cast seagrass/seaweed and algae shall be harvested or moved.

2. The method of removal shall not involve the taking of any sand. Sand taken incidental to the harvesting operations is to be returned to the foreshore.

3. No harvesting is to take place within 4 m of the toe of the foredune.

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

5. 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 permitted by this notice.

Dated 7 June 2002.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 43

TAKE note that the notice number V005/02 made under section 43 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, page 1835, dated 7 May 2002 being the sixth notice on that page, referring to the Gulf St Vincent prawn fishery, is hereby revoked from 1830 hours on 6 June 2002.

Dated 11 June 2002.

J. PRESSER, Principal Fisheries Manager

R018-02

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of Gulf St Vincent.

SCHEDULE 2

0630 hours on 19 June 2002 to 2400 hours on 31 December 2002.

Dated 11 June 2002.

J. PRESSER, Principal Fisheries Manager

V006/02

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00076
(PREVIOUS LICENCE NO. F739)

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

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

B. J., B. M., S. J., B. M. and G. B. Williams
34 Dodgson Drive
Streaky Bay, 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 12 June 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
424010E 6378280N	5
424510E 6378180N	
424470E 6378090N	
423980E 6378190N	

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:

0.5 ha developed with 1.5 km of BST longline or 0.5 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.