

## SUPPLEMENTARY GAZETTE



THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE

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 PUBLISHED BY AUTHORITY
 

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

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 ADELAIDE, MONDAY, 31 DECEMBER 2001
 

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## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Jeffrey M. How, holder of Marine Scalefish Fishery Licence No. M217, (hereinafter referred to as the 'exemption holder'), 6 Caffrey Crescent, Port Willunga, S.A. 5173, is exempt from the provisions of Clause 30 of Schedule 1 of the Fisheries (General) Regulations 2000, but only insofar as the exemption holder shall not be guilty of an offence when using a hauling net for the purpose of trade or business (hereinafter referred to as the 'exempted activity') in the waters described in Schedule 1, subject to the conditions contained in Schedule 2, from the date of gazettal of this notice until 30 June 2002.

## SCHEDULE 1

The exemption holder may only engage in the exempted activity within the waters of Gulf St Vincent south of latitude 35°14.75'S, Gull Rock (situated near Blanche Point) which are otherwise closed to net fishing, except the waters of the Aldinga Aquatic Reserve.

## SCHEDULE 2

1. This exemption is valid only for so long as the exemption holder is the holder of Marine Scalefish Fishery Licence No. M217.

2. The exemption holder may only conduct the exempted activity when fishing pursuant to Marine Scalefish Fishery Licence No. M217.

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

4. Whilst 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.

Dated 14 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, SA Abalone Developments Pty Ltd (hereinafter referred to as the 'exemption holder'), c/o P.O. Box 1579, Port Lincoln, S.A. 5606 is exempt from section 34 of the Fisheries Act 1982, but only insofar as it may take Greenlip Abalone (*Haliotis laevis*) for the purpose of aquaculture broodstock (hereinafter referred to as the 'exempted activity') in the waters specified in Schedule 1, subject to the conditions in Schedule 2.

## SCHEDULE 1

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

## SCHEDULE 2

1. The exemption holder may take a maximum of 200 Greenlip Abalone (*Haliotis laevis*). All abalone taken pursuant to this notice may not be sold or transferred to another party.

2. All abalone taken pursuant to this notice must be delivered to and retained on the registered aquaculture site of landbased Aquaculture Licence No. FT00158.

3. The exemption holder may engage in the exempted activity from the date of gazettal of this notice until 30 June 2002.

4. The exempted activity may only be conducted by Dominic Henderson, Tony Kingdom, Milton Hunt, Darcy Eldridge, Jonas Woolford or Tobin Woolford.

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

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

- the intended area of conducting the exempted activity.

6. The exemption holder must, within 50 m of the point of landing of any abalone taken pursuant to this notice, complete the PIRSA Fisheries form 'Abalone Broodstock Collection Statement'. Immediately upon arrival at the exemption holders registered aquaculture site, this form must be faxed to PIRSA Fisheries on (08) 8226 2323. Prior to release into the registered aquaculture site, all abalone taken pursuant to this notice must be tagged so as to be clearly identified as wild broodstock.

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

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

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

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

Dated 17 December 2001.

W. ZACHARIN, Director of Fisheries

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Denise Sharp or persons acting as her agents (hereinafter referred to as the 'exemption holder'), Whyalla City Council, P.O. Box 126, Whyalla, S.A. 5600 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 clearance of unattached and beach-cast seagrass/seaweed and algae material for amenity purposes (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 31 December 2002.

##### SCHEDULE 1

The Point Lowly boat ramp and marina.

##### SCHEDULE 2

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

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. Seagrass/seaweed and algae removed must not be sold.

5. 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.

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

Dated 17 December 2001.

W. ZACHARIN, Director of Fisheries

#### 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 waters of Spencer Gulf north of the line commencing at position latitude 33°42.00'S, longitude 137°08.00'E, then to position latitude 33°42.00'S, longitude 137°25.00'E, then to position latitude 33°32.00'S, longitude 137°30.00'E, then to position latitude 33°32.00'S, longitude 137°33.00'E, then to position latitude 33°37.00'S, longitude 137°33.00'E, then to position latitude 33°46.00'S, longitude 137°44.00'E.

##### SCHEDULE 2

2030 hours on 16 December 2001 to 0600 hours on 20 December 2001.

Dated 18 December 2001.

J. PRESSER, Principal Fisheries Manager

P092/01

#### 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 waters of Spencer Gulf north of the line commencing at position latitude 33°42.00'S, longitude 137°08.00'E, then to position latitude 33°42.00'S, longitude 137°25.00'E, then to position latitude 33°32.50'S, longitude 137°30.00'E, then to position latitude 33°32.50'S, longitude 137°33.00'E, then to position latitude 33°37.00'S, longitude 137°33.00'E, then to position latitude 33°46.00'S, longitude 137°44.00'E.

##### SCHEDULE 2

2030 hours on 20 December 2001 to 0600 hours on 22 December 2001.

Dated 18 December 2001.

J. PRESSER, Principal Fisheries Manager

P093/01

#### 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 waters of Spencer Gulf within the line commencing at position latitude 33°46.00'S, longitude 137°44.00'E, then to position latitude 33°46.00'S, longitude 137°26.00'E, then to position latitude 33°52.00'S, longitude 137°23.00'E, then to position latitude 34°05.00'S, longitude 137°33.00'E.

##### SCHEDULE 2

2030 hours on 16 December 2001 to 0600 hours on 22 December 2001.

Dated 18 December 2001.

J. PRESSER, Principal Fisheries Manager

P094/01

## FISHERIES ACT 1982: SECTION 59

TAKE note that the notice made under section 59 of the Fisheries Act 1982, and published in the *South Australian Government Gazette* on page numbers 4437 and 4438, dated 9 October 2001, referring to registered fish processors and the possession of undersize Roe's abalone, is hereby revoked.

Dated 17 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, each of the registered fish processors specified in Schedule 1 (hereinafter referred to as the 'exemption holder') is exempted from the provisions of section 44 (2) of the Fisheries Act 1982, but only insofar as the exemption holder shall not be guilty of an offence when in possession of Roe's abalone (*Haliotis roei*) which is undersize (hereinafter referred to as the 'exempted activity') pursuant to the conditions specified in Schedule 2 from the date of gazettal of this notice until 30 June 2002.

## SCHEDULE 1

FP0008

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

FP0044

Australian Bight Seafood Pty Ltd  
P.O. Box 1746  
Port Lincoln, S.A. 5606

FP0120

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

FP0132

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

## SCHEDULE 2

1. Whilst engaged in the exempted activity, the exemption holder may only possess undersize abalone (*Haliotis roei*) taken pursuant to a Western Zone Abalone Fishery Licence issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991.

2. Whilst engaged in the exempted activity, the exemption holder must weigh all abalone (*Haliotis roei*) within the State of South Australia, immediately upon receipt.

3. The exemption holder must notify the PIRSA Fisheries Compliance Unit on 1800 244 317 when receiving undersize abalone (*Haliotis roei*) and supply the following information:

- the name of the person making the call and the name of the processor;
- the time and date of receipt of the undersize abalone (*Haliotis roei*);
- the Western Zone Abalone Fishery Licence Number from which the abalone (*Haliotis roei*) was received;
- the total number of fish bags received;
- the accurate weight (in whole weight terms) of the abalone (*Haliotis roei*); and
- the number of the completed CDR1 form accompanying the fish.

4. When engaging in the exempted activity pursuant to this notice, the exemption holder must wait for a minimum of 30 minutes after notifying PIRSA Fisheries Compliance Unit before removing the numbered tag from any fish bag or before processing the abalone or removing the abalone from the registered premises.

5. The exemption holder, whilst transporting abalone (*Haliotis roei*) received from a Western Zone Abalone Fishery Licence holder, or their registered master, shall not remove any numbered tags from any fish bags containing abalone (*Haliotis roei*) until reaching the nominated registered processing premises.

6. The exemption holder shall ensure that each bag of abalone (*Haliotis roei*) is processed separately ensuring that the shells are returned with the relevant tag to the corresponding bag in which they were provided.

7. The exemption holder shall ensure that all proceeds from the sale of the abalone (*Haliotis roei*) are forwarded to the Abalone Industry Association of SA.

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

9. 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 17 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Port Lincoln High School (29212) (or his agent) (hereinafter referred to as the 'exemption holder'), Ruskin Road, Port Lincoln, S.A. 5606 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:

Bream, Black (*Acanthopagrus butcheri*)  
Mulloway (*Argyrosomus hololepidotus*)

into tanks located at Ruskin Road, Port Lincoln, S.A. 5606.

## 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 per cent in 24 hours.

Dated 17 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

FT00687

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that subject to section 59 of the Fisheries Act 1982, the fish processors detailed in Schedule 1 (hereinafter referred to as the 'exemption holder') are exempted from the provisions of Regulation 13 (3) (a) of Fisheries (Fish Processors) Regulations 1991, when receiving abalone taken in the Western Zone as defined in the Scheme of Management (Abalone Fisheries) Regulations 1991, subject to the conditions specified in Schedule 1 from 1 January 2002 until 31 December 2002.

##### SCHEDULE 1

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

FP0044  
Australian Bight Seafood Pty Ltd  
P.O. Box 1746  
Port Lincoln, S.A. 5606

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

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

##### SCHEDULE 2

1. When receiving abalone in shell which is not to be exported or sold in the shell the exemption holder shall conduct the following activities:

- immediately weigh the whole abalone and record such weight on Part B of the CDR;
- within 12 hours of delivery abalone must be shucked;
- within 18 hours of delivery the shucked abalone must be weighed and such weight is to be recorded on Part B of the CDR for quota deduction purposes.

2. When receiving abalone in shell which is to be exported or sold in the shell the exemption holder shall conduct the following activities:

- immediately weigh the whole abalone and record such weight on Part B of the CDR for quota deduction purposes.

3. When receiving shucked abalone the exemption holder shall conduct the following activities:

- immediately weigh the shucked abalone and record such weight on Part B of the CDR for quota deduction purposes.

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

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

Dated 18 December 2001.

W. ZACHARIN, Director of Fisheries

#### 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 waters of Spencer Gulf north of the line commencing at position latitude 33°42.00'S, longitude 137°08.00'E, then to position latitude 33°42.00'S, longitude 137°25.00'E, then to position latitude 33°32.00'S, longitude 137°30.00'E, then to position latitude 33°32.00'S, longitude 137°33.00'E, then to position latitude 33°37.00'S, longitude 137°33.00'E, then to position latitude 33°46.00'S, longitude 137°44.00'E.

##### SCHEDULE 2

2030 hours on 19 December 2001 to 0600 hours on 20 December 2001.

Dated 18 December 2001.

J. PRESSER, Principal Fisheries Manager

P095/01

#### 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 waters of Spencer Gulf north of the line commencing at position latitude 33°42.00'S, longitude 137°08.00'E, then to position latitude 33°42.00'S, longitude 137°25.00'E, then to position latitude 33°32.50'S, longitude 137°30.00'E, then to position latitude 33°32.50'S, longitude 137°33.00'E, then to position latitude 33°37.00'S, longitude 137°33.00'E, then to position latitude 33°46.00'S, longitude 137°44.00'E.

##### SCHEDULE 2

2030 hours on 20 December 2001 to 0600 hours on 21 December 2001.

Dated 18 December 2001.

J. PRESSER, Principal Fisheries Manager

P096/01

#### 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 waters of Spencer Gulf within the line commencing at position latitude 33°46.00'S, longitude 137°44.00'E, then to position latitude 33°46.00'S, longitude 137°26.00'E, then to position latitude 33°52.00'S, longitude 137°23.00'E, then to position latitude 34°05.00'S, longitude 137°33.00'E.

## SCHEDULE 2

2030 hours on 19 December 2001 to 0600 hours on 21 December 2001.

Dated 18 December 2001.

J. PRESSER, Principal Fisheries Manager

P097/01

## 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 Spencer Gulf.

## SCHEDULE 2

From 0600 hours on 21 December 2001 to 2030 hours on 10 March 2002.

Dated 18 December 2001.

J. PRESSER, Principal Fisheries Manager

P098/01

## FISHERIES ACT 1982: SECTION 43

TAKE note that the notice No. P091/01 made under section 43 of the Fisheries Act 1982, and published in the *South Australian Supplementary Government Gazette*, page 5334, dated 10 December 2001 being the first notice on that page, referring to the Spencer Gulf prawn fishery, is hereby revoked.

Dated 18 December 2001.

J. PRESSER, Principal Fisheries Manager

R025-01

## FISHERIES ACT 1982 SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, E. F. Hendry Pty Ltd, holder of Marine Scalefish Fishery Licence No. M210, or its registered masters (hereinafter referred to as the 'exemption holder'), c/o P.O. Box 1, Warooka, S.A. 5577, is exempt from Clause 30 of Schedule 1 of the Fisheries (General) Regulations 2000, but only insofar as the exemption holder may use a fish net endorsed on its Marine Scalefish Fishery Licence in the waters specified in Schedule 1 to take Australian Salmon (*Arripis truttaceus*) for trade or business (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 2, from the date of gazettal of this notice until 30 June 2002, unless varied or revoked earlier.

## SCHEDULE 1

The waters of Spencer Gulf bounded as follows:

Commencing at a point at high water mark at the most western point of Wedge Island, latitude 35°09.05'S and longitude 136°26.33'E, then along the geodesic (031°T), to a point at high water mark on the most western point of North Islet, latitude 35°07.13'S and longitude 136°27.75'E, then following the line of high water mark south-easterly and then north-westerly to a point at high water mark on the most south-easterly point of North Islet, latitude 35°07.28'S and longitude 136°28.66'E, then along the geodesic (164°T), to a point at high water mark on the most north-easterly point of Wedge Island, latitude 35°09.90'S and longitude 136°29.55'E, then following the line of high water mark generally north-westerly, southerly and westerly to the point of commencement (herein-after referred to as the 'permitted area').

## SCHEDULE 2

1. The exempted activity must only be conducted from a boat registered on Marine Scalefish Fishery Licence No. M210.

2. The exemption holder must return all species other than Australian Salmon (*Arripis truttaceus*) to the water when conducting the exempted activity in the permitted area.

3. The exemption holder may fish for a maximum of five days in the permitted area during the period of this notice.

4. At least 24 hours prior to conducting the exempted activity pursuant to this notice, the exemption holder must advise the PIRSA Fisheries Compliance Unit on 1800 065 522 that they will be undertaking the exempted activity.

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

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

Dated 19 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Bevan Mills, Beachport Sea Products, P.O. Box 217, Beachport, S.A. 5280, or persons acting as his agents (herein-after referred to as the 'exemption holders'), is exempted from section 34 of the Fisheries Act 1982, but only insofar as to engage in the activities specified in Schedule 1, subject to the conditions in Schedule 2, in the waters specified in Schedule 3 (hereinafter referred to as the 'permitted area') from the date of gazettal of this notice until 31 January 2002 unless revoked earlier by the Director of Fisheries.

## SCHEDULE 1

The collection of no more than a total of 1 000 litres per month (dry weight 0.5 tonnes) of *Macrosystis angustifolia* and *Ecklonia radiata* and no more than 5 000 litres per month of *Durvillaea potatorum* (dry weight 2.5 tonnes) (hereinafter referred to as the 'exempted activity').

## SCHEDULE 2

1. The exemption holders shall use non-mechanical means only to engage in the exempted activity from the permitted area.

2. No equipment used during the exempted activity shall be left within the permitted area at the completion of daily collection activities.

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

4. No material is to be stored or processed in any way on the foreshore.

5. The exemption holders must provide reports at the end of each month to PIRSA Fisheries detailing, for each species harvested:

- the species harvested;
- the amount harvested;
- the vehicles and methods used in the harvested operation;
- access points and areas harvested;
- an estimation of the remaining biomass of each species in the harvest area;
- the length of time taken to collect the species;
- the length of time taken to collect the species;
- the method used to process the species; and
- the intended use of the species harvested

6. The exemption holders must comply with any local government, State and Commonwealth legislation (including the holding of relevant planning approval) relating to the exempted activity.

7. Whilst engaged in the exempted activity the exemption holders must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be produced.

8. The exemption holders 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.

## SCHEDULE 3

Between the high water mark and the low water mark of the coastal beaches between Margaret Brock reef and Nora Creina (south-east region of South Australia) excluding all aquatic reserves proclaimed under the Fisheries Act 1982, and any beaches adjacent to lands owned and managed by the Minister for Environment, Heritage and Aboriginal Affairs Department.

Dated 19 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Bevan C. Mills or persons acting as his agents (hereinafter referred to as the 'exemption holder'), Beachport Sea Products, P.O. Box 217, Beachport, S.A. 5280, is exempted from the provision of section 34 of the Fisheries Act 1982, but only insofar as the exemption holder may engage in the collection and sale of no more than 100 tonnes (wet weight) of drift-cast seagrass and macroalgae (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 31 January 2002, unless revoked earlier by the Director of Fisheries.

## SCHEDULE 1

An area of foreshore above the low water line commencing at the Lake George outlet and proceeding in a south-easterly direction for 8 km.

## SCHEDULE 2

1. The exemption holder shall use non-mechanical means only to engage in the exempted activity from the permitted area.

2. No equipment used during the exempted activity shall be left within the permitted area at the completion of daily collection activities.

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

4. No material is to be stored or processed in any way on the foreshore.

5. Only unattached beach-cast seagrass and macroalgae shall be harvested.

6. The exemption holder must provide reports at the end of each month to PIRSA Fisheries detailing for each species harvested:

- the species harvested;
- the amount harvested;
- the location species are harvested from;
- the length of time taken to collect the species;
- the use of the species harvested.

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

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 permitted by this notice.

Dated 19 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Robert Harding, c/o Kathryn 'M' Charters, 90 New West Road, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'principal exemption holder'), and the class of persons specified in Schedule 1 (hereinafter referred to as the 'other exemption holders'), are exempt from the provisions of Clauses 66, 70, 73, 77A, 77C and 77D of Schedule 1 of the Fisheries (General) Regulations 2000, insofar as the exemption holders may exceed the bag or boat limits as specified in Schedule 2 (hereinafter referred to as the 'exempted activity'), subject to the conditions specified in Schedule 3.

## SCHEDULE 1

Any person or persons who charter the boat *Kathryn M2* (hereinafter referred to as the 'permitted boat') from the principal exemption holder in South Australia, for the purpose of recreational fishing for scalefish, abalone and rock lobster.

## SCHEDULE 2

1. The exemption holders may engage in the taking of no more than one rock lobster (*Jasus edwardsii*) per other exemption holder in any one day where the number of other exemption holders exceeds eight, excluding the principal exemption holder and assistants.

2. The exemption holders may engage in the taking of no more than one abalone (*Haliotis spp.*) per other exemption holder in any one day where the number of other exemption holders exceeds ten, excluding the principal exemption holder and assistants.

3. The exemption holders may engage in the taking of no more than one half of the daily bag limit (rounded up to nearest whole number if necessary) (for those species of scalefish subject to such a limit as specified in the Fisheries (General) Regulations 2000) per other exemption holder in any one day, where the number of other exemption holders exceeds six, excluding the principal exemption holder and assistants.

## SCHEDULE 3

1. This exemption is valid from the date of gazettal of this notice until 31 December 2002, unless varied or revoked earlier.

2. The principal exemption holder shall not use any other boat other than the permitted boat for the purpose of engaging in the exempted activity.

3. The principal exemption holder shall not accept any fish taken by the other exemption holders as all or part of the consideration for the charter agreement.

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

5. The principal 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.

6. The principal exemption holder shall not cause, suffer or permit any other exemption holder to 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 19 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Tarmo A. Raadik (hereinafter referred to as the 'exemption holder'), Department of Natural Resources and Environment, P.O. Box 137, Heidelberg, Vic. 3084, is exempt from the provisions of the Fisheries Act 1982, but only insofar as the exemption holder may engage in the activities specified in Schedule 1 (hereinafter referred to as the 'exempted activity'), using the gear specified in Schedule 2, subject to the conditions specified in Schedule 3, from the date of gazettal of this notice until 31 December 2003.

## SCHEDULE 1

The collection of mountain galaxias (*Galaxias olidus*) from the inland waters of South Australia.

## SCHEDULE 2

- 1 backpack electrofishing unit;
- 1 hand net per person;
- 1 seine net (maximum length 20 m, maximum drop 2 m, minimum mesh 5 mm); and
- 10 fish traps (maximum dimensions 200 mm x 200 mm x 400 mm, minimum mesh size 1 mm).

## SCHEDULE 3

1. The specimens collected by the exemption holder are for scientific and research purposes only and may not be sold.
2. A maximum of 45 mountain galaxias (*Galaxias olidus*) may be taken from any one location.
3. All native species other than mountain galaxias (*Galaxias olidus*) taken pursuant to the exempted activity must be immediately returned to the water.
4. The exemption holder must comply with all safety requirements as detailed in the Australian National Guidelines for Electrofishing.
5. All gear must be marked with a durable tag attached near the float when the gear is not being attended. The tag must be marked with the name of the exemption holder and the name and contact telephone number of the person operating the device.
6. Before collecting any specimens pursuant to this notice, the exemption holder must advise the PIRSA Fisheries Compliance Unit on 1800 065 522 and the Director of Fisheries by facsimile on (08) 8226 0434 at least 6 hours prior to undertaking the exempted activity with details of the proposed sampling locations and the dates on which the collections are to be made.
7. The exemption holder must provide a report in writing detailing the outcomes of the research and the collection of fish pursuant to this notice to the Director of Fisheries, (Attention: Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001) within 3 months of the expiry of this notice, giving a detailed summary report of the research undertaken, including information relating to the date, time and sampling location of collections, the gear used and the number of each species collected with that gear (including any incidental mortalities).
8. While engaging in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be produced.
9. 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 19 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Ben Smith or persons acting as his agents (hereinafter referred to as the 'exemption holder'), Department of Environmental Biology, Faculty of Science, Ground Floor, Darling Building, University of Adelaide, S.A. 5005, is exempt from the provisions of section 34 of the Fisheries Act 1982, but only insofar as the exemption holder may engage in the collection of carp (*Family Cyprinidae*) and native fish, excluding those species protected pursuant to section 42 of the Fisheries Act 1982, from the waters of the River Murray (hereinafter referred to as the 'exempted activity'), using the gear specified in Schedule 1, subject to the conditions specified in Schedule 2, from the date of gazettal until 31 December 2002, unless varied or revoked earlier.

## SCHEDULE 1

- 1 seine net (maximum length 5 m, maximum drop 1.5 m, minimum mesh size of 6 mm);
- 2 fyke nets (glasseel type 100/7, 60 cm diameter opening, 6 m wing, 4 m long with a maximum of 7 chambers);
- 1 dip net per person; and
- 10 fish traps (maximum dimensions of 30 cm x 15 cm x 15 cm, maximum entrance size of 10 cm).

## SCHEDULE 2

1. The specimens collected by the exemption holder are for scientific purposes only and may not be sold.
2. All native fish collected pursuant to this notice not required for scientific evaluation must be returned to the water on completion of the study. All native fish retained pursuant to this notice must be delivered to the South Australian Museum.
3. Before collecting any specimens pursuant to this notice, the exemption holder must advise the PIRSA Fisheries Compliance Unit on 1800 065 522 with details of the proposed locations and the dates on which the collections are to be made.
4. The exemption holder must provide a report in writing detailing the outcomes of the research and the collection of fish pursuant to this notice to the Director of Fisheries, (Attention: Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001) within 3 months of the expiry of this notice, giving details of the date, time and location of collection, the gear used and the number of each species collected with that gear.
5. While engaging in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be produced.
6. The exemption holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

Dated 19 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Ben Crabb, c/o Kangaroo Island Charters, 4 Telegraph Road, Kingscote, S.A. 5223 (hereinafter referred to as the 'principal exemption holder'), and the class of persons specified in Schedule 1 (hereinafter referred to as the 'other exemption holders'), are exempt from the provisions of Clauses 66, 70, 73, 77A, 77C and 77D of Schedule 1 of the Fisheries (General) Regulations 2000, insofar as the exemption holders may exceed the bag or boat limits as specified in Schedule 2 (hereinafter referred to as the 'exempted activity'), subject to the conditions specified in Schedule 3.

## SCHEDULE 1

Any person or persons who charter the boat *Vernita* (herein referred to as the 'permitted boat') from the principal exemption holder in South Australia, for the purpose of recreational fishing for scalefish, abalone and rock lobster.

## SCHEDULE 2

1. The exemption holders may engage in the taking of no more than one rock lobster (*Jasus edwardsii*) per other exemption holder in any one day where the number of other exemption holders exceeds eight, excluding the principal exemption holder and assistants.

2. The exemption holders may engage in the taking of no more than one abalone (*Haliotis spp.*) per other exemption holder in any one day where the number of other exemption holders exceeds ten, excluding the principal exemption holder and assistants.

3. The exemption holders may engage in the taking of no more than one half of the daily bag limit (rounded up to nearest whole number if necessary) (for those species of scalefish subject to such a limit as specified in the Fisheries (General) Regulations 2000) per other exemption holder in any one day, where the number of other exemption holders exceeds six, excluding the principal exemption holder and assistants.

## SCHEDULE 3

1. This exemption is valid from the date of gazettal of this notice until 31 December 2002, unless varied or revoked earlier.

2. The principal exemption holder shall not use any other boat other than the permitted boat for the purpose of engaging in the exempted activity.

3. The principal exemption holder shall not accept any fish taken by the other exemption holders as all or part of the consideration for the charter agreement.

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

5. The principal 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.

6. The principal exemption holder shall not cause, suffer or permit any other exemption holder to 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 19 December 2001.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Rockne Little (hereinafter referred to as the 'exemption holder'), Rainbow South Pacific Export Ltd, P.O. Box 1235, Coultas, S.A. 5607 is exempt from section 34 of the Fisheries Act 1982, but only insofar as he may take sea urchins (*Family Echinometridae*) (hereinafter referred to as the 'exempted activity') subject to the conditions in Schedule 1 for the purposes of trade or business, from the date of gazettal of this notice until 31 March 2002, unless varied or revoked earlier.

## SCHEDULE 1

1. Fish may be taken from coastal waters of the State excluding the waters of Coffin Bay south of latitude 34°30.30'S.

2. The exemption holder may authorise a person to act on his behalf in conducting the exempted activity for a maximum of 21 days in any one financial year (the nominated person). The exemption holder must make this nomination prior to the nominated person commencing or conducting acts preparatory to commencing the exempted activity by telephoning the PIRSA Fisheries Compliance Unit on 1800 065 522 and provide the following information:

- the full name of the nominated person; and
- the residential address of the nominated person.

3. The exemption holder (or the nominated person) and two other people (assistants) may engage in the exempted activity at any one time. The people assisting the exemption holder must, at all times whilst conducting the exempted activity, remain within 50 m of the exemption holder. Sea urchins may only be taken by hand.

4. The exemption holder must provide the Director of Fisheries, statistical catch and effort information (including zero returns if no fishing operations have been conducted), in the form of a daily log as provided, within 15 days of the completion of each calendar month.

5. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least one hour 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 area of conducting the exempted activity;
- the intended place and time of launching and retrieval of the nominated boat for that day; and
- the name of the assistants (if any) who will be assisting the exemption holder or the nominated person.

7. PIRSA Fisheries retains the right for a Departmental Officer to accompany the exemption holder or nominated person at any time whilst conducting the exempted activity.

8. The exemption holder or his assistants must not conduct any other fishing activity whilst undertaking the exempted activity.

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

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

Dated 20 December 2001.

J. PRESSER, Principal Fisheries Manager

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Miyako International Seafoods Pty Ltd or its agents (hereinafter referred to as the 'exemption holder'), 1003/135 Macquarie Street, Sydney, N.S.W. 2000 is exempt from section 34 of the Fisheries Act 1982, but only insofar as it may take sea urchins (*Family Echinometridae*) (hereinafter referred to as the 'exempted activity') subject to the conditions in Schedule 1 for the purposes of trade or business, from the date of gazettal of this notice until 31 March 2002, unless varied or revoked earlier.

## SCHEDULE 1

1. Fish may be taken from coastal waters of the State excluding the waters of Coffin Bay south of latitude 34°30.30'S.

2. The exemption holder must nominate Daniel Kent or John Riordan to act on their behalf in conducting the exempted activity at any one time (the nominated person). The exemption holder must make this nomination prior to the nominated person commencing or conducting acts preparatory to commencing the exempted activity by telephoning the PIRSA Fisheries Compliance Unit on 1800 065 522 and provide the following information. If a person other than Daniel Kent or John Riordan is to be the nominated person, the exemption holder must provide the following information:

- the full name of the nominated person; and
- the residential address of the nominated person.

3. The nominated person and two other people (assistants) may engage in the exempted activity at any one time. The people assisting the exemption holder must, at all times whilst conducting the exempted activity remain within 50 m of the exemption holder. Sea urchins may only be taken by hand.

4. The exemption holder must provide the Director of Fisheries, statistical catch and effort information (including zero returns if no fishing operations have been conducted), in the form of a daily log as provided, within 15 days of the completion of each calendar month.

5. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least one hour 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 area of conducting the exempted activity;
- the intended place and time of launching and retrieval of the nominated boat for that day; and
- the name of the assistants (if any) who will be assisting the nominated person.

7. PIRSA Fisheries retains the right for a Departmental Officer to accompany the nominated person at any time whilst conducting the exempted activity.

8. The exemption holder or its nominated person or assistants must not conduct any other fishing activity whilst undertaking the exempted activity.

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

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

Dated 20 December 2001.

J. PRESSER, Principal Fisheries Manager

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Terry Scott (hereinafter referred to as the 'exemption holder'), c/o Post Office, Coffin Bay, S.A. 5607 is exempt from section 34 of the Fisheries Act 1982, but only insofar as he may take sea urchins (*Family Echinometridae*) (hereinafter referred to as the 'exempted activity') subject to the conditions in Schedule 1 for the purposes of trade or business, from the date of gazettal of this notice until 31 March 2002, unless varied or revoked earlier.

#### SCHEDULE 1

1. Fish may only be taken from coastal waters of the State including the waters of Coffin Bay.

2. The exemption holder (or his nominated replacement) and two other people may take fish pursuant to this notice. The people assisting the exemption holder must, at all times whilst conducting the exempted activity, remain within 50 m of the exemption holder. Fish may only be taken by hand.

3. The exemption holder may authorise a person to act on his behalf in conducting the exempted activity for a maximum of 21 days in any one financial year. The exemption holder must make this nomination prior to the nominated person commencing or conducting acts preparatory to commencing the exempted activity by telephoning the PIRSA Fisheries Compliance Unit on 1800 065 522 and provide the following information:

- the full name of the nominated person; and
- the residential address of the nominated person.

4. The exemption holder must provide the Director of Fisheries, statistical catch and effort information (including zero returns if no fishing operations have been conducted), in the form of a daily log as provided, within 15 days of the completion of each calendar month.

5. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least one hour 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 area of conducting the exempted activity;
- the intended place and time of launching and retrieval of the nominated boat for that day; and
- the name of the diver (if any) who will be assisting the exemption holder.

6. PIRSA Fisheries retains the right for a Departmental Officer to accompany the exemption holder at any time whilst conducting the exempted activity.

7. The exemption holder or his nominated replacement or assistants must not conduct any other fishing activity whilst undertaking the exempted activity.

8. While engaged in the exempted activity the exemption holder (or his nominated replacement) 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.

9. The exemption holder (or his nominated replacement) 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 20 December 2001.

J. PRESSER, Principal Fisheries Manager

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Jean Tu (hereinafter referred to as the 'exemption holder'), Farehotu Enterprises Pty Ltd, 24 Proper Bay Road, Port Lincoln, S.A. 5606, is exempt from section 34 of the Fisheries Act 1982, but only insofar as he may take sea urchins (*Family Echinometridae*) (hereinafter referred to as the 'exempted activity') subject to the conditions in Schedule 1 for the purposes of trade or business, from the date of gazettal of this notice until 31 March 2002, unless varied or revoked earlier.

#### SCHEDULE 1

1. Fish may be taken from coastal waters of the State excluding the waters of Coffin Bay south of latitude 34°30.30'S.

2. The exemption holder may authorise a person to act on his behalf in conducting the exempted activity for a maximum of 21 days in any one financial year (the nominated person). The exemption holder must make this nomination prior to the nominated person commencing or conducting acts preparatory to commencing the exempted activity by telephoning the PIRSA Fisheries Compliance Unit on 1800 065 522 and provide the following information:

- the full name of the nominated person; and
- the residential address of the nominated person.

3. The exemption holder (or the nominated person) and two other people (assistants) may engage in the exempted activity at any one time. The people assisting the exemption holder must, at all times whilst conducting the exempted activity, remain within 50 m of the exemption holder. Sea urchins may only be taken by hand.

4. The exemption holder must provide the Director of Fisheries, statistical catch and effort information (including zero returns if no fishing operations have been conducted), in the form of a daily log as provided, within 15 days of the completion of each calendar month.

5. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least one hour 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 area of conducting the exempted activity;
- the intended place and time of launching and retrieval of the nominated boat for that day; and
- the name of the assistants (if any) who will be assisting the exemption holder or the nominated person.

6. PIRSA Fisheries retains the right for a Departmental Officer to accompany the exemption holder or nominated person at any time whilst conducting the exempted activity.

7. The exemption holder or his assistants must not conduct any other fishing activity whilst undertaking the exempted activity.

8. While engaged in the exempted activity the exemption holder (or the nominated person) 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.

9. 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 20 December 2001.

J. PRESSER, Principal Fisheries Manager

#### FISHERIES ACT 1982: SECTION 43

TAKE notice that pursuant to section 43 of the Fisheries Act 1982, it is hereby unlawful for the period specified in Schedule 3 for:

- (a) any licensed person who is the holder of, or an associate of a holder of a permit in the Commonwealth Southern Shark Fishery with quota attached to it to take school or gummy shark from the waters specified in Schedule 1;
- (b) any other licensed person to take in a single fishing trip or to have on board the registered boat at any one time:
  - (i) more than five school or gummy shark from the waters specified in Schedule 2A; or
  - (ii) more than 10 school or gummy shark from the waters specified in Schedule 2B; and
- (c) any person specified in paragraph (b) to remove school or gummy shark from the registered boat at any time other than at landing for the purpose of immediate delivery of the school or gummy shark to a registered fish processor.

#### SCHEDULE 1

All waters within the limits of the State and all waters adjacent to the State that are within the Australian Fishing Zone.

#### SCHEDULE 2A

All waters adjacent to the State that are within the Australian Fishing Zone, excluding all waters within the limits of the State other than Bay of Shoals, Eastern Cove, Guichen Bay, Rivoli Bay, Encounter Bay and Lacedepe Bay.

#### SCHEDULE 2B

All waters within the limits of the State, except those specified in Schedule 2A.

#### SCHEDULE 3

From 1 January 2002 to 30 June 2002 inclusive, unless this notice is revoked earlier.

For the purposes of this notice:

'Associate' has the same meaning as set out in regulations 4 (2) and 4 (3) of the Scheme of Management (Marine Scalefish Fisheries) Regulations 1991, or the Scheme of Management (Rock Lobster Fisheries) Regulations 1991, and also includes the spouse or putative spouse of a person.

'Australian Fishing Zone' has the same meaning as in the Commonwealth Fisheries Management Act 1991.

'Licensed person' means a licence holder in either the South Australian Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery, Marine Scalefish Fishery or the Lakes and Coorong Fishery.

'Southern Shark Fishery' means the fishery for school and gummy shark under Commonwealth management pursuant to an OCS entered into between the State and the Commonwealth and taking effect from 1 January 2001.

'trip' means a voyage by a boat:

- (a) commencing at a place on the coastline of South Australia; and
- (b) proceeding to and from, or through, the area of waters adjacent to South Australia, out to the boundary of the Australian Fishing Zone (AFZ); and

- (c) ending at a place on the coastline of South Australia where fish taken using the boat are unloaded.

'Waters within the limits of the State' means the waters set out in Table 1 below.

Table 1—Waters within the limits of the State (Internal waters)

Internal waters area	Definition of Internal waters within the closing lines
Spencer Gulf	Cape Catastrophe to Cape Spencer
Gulf St Vincent	Cape Jervis to Troubridge Point
Smoky Bay	Point Brown to St Peter Island
Denial Bay	St Peter Island to Point Peter
Streaky Bay	Point Brown to Cape Bauer
Sceale Bay	Rocky Point south of Point Westall to Cape Blanche
Anxious Bay	Cape Radstock to Waldegrave Island to Cape Finnis
Avoid Bay	Point Avoid to Point Whidbey
Coffin Bay	Point Sir Isaac to Frenchman Bluff
Sleaford Bay	Cape Wiles to West Point
Bay of Shoals	Cape Rouge to Beatrice Point
Eastern Cove	Kangaroo Head to Point Morrison
Guichen Bay	Cape Thomas to Cape Dombey
Rivoli Bay	Cape Martin to Cape Buffon
Encounter Bay	Rosetta Head to latitude 35°35'48", longitude 138°57'00"
Lacedepe Bay	Cape Jaffa to latitude 36°35'48", longitude 139°50'00"

Dated 24 December 2001.

W. ZACHARIN, Director of Fisheries

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Paul S. Townsend (19993) (or his agent) (hereinafter referred to as the 'exemption holder'), 13 Dorothy Avenue, Northfield, S.A. 5085 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 Barramundi (*Lates calcarifer*) into tanks located at Ween Road, Pooraka.

#### 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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

FT00667

#### FISHERIES ACT 1982

MARINE MOLLUSC (SUBTIDAL) FARMING LICENCE FS00026  
(PREVIOUS LICENCE NO. FM00337)

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

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

Stephen J. Heath (10125)  
15 Kestrel Place  
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 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 7 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

## SCHEDULE 1

### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
589278E 6168528N	20
589278E 6168081N	
589725E 6168081N	
589725E 6168528N	

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

### Item 2—Marked-off Areas

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

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

## SCHEDULE 2

### Item 1—Permitted Species

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

Greenlip Abalone (*Haliotis laevis*)

### Item 2—Permitted Farming Methods

#### Longlines

The licence holder must source all farm stock from either:

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

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

The licence holder must maintain a Stock Movement Register which must be kept to immediately record all movements of abalone stock to and from the farm and to be kept regardless of the purpose of the movement of the stock. The Stock Movement Register must be a bound book with consecutively numbered pages, each entry must be recorded in ink in the order of events, each entry must be made immediately below the previous entry and each page must be filled before commencing the next page.

The Stock Movement Register must include the following information:

- (a) the time, date and number of stock placed on the site; and
- (b) the time, date and number of stock removed from the site.

The licence holder must keep the Stock Movement Register for 12 months from the last entry date. A photocopy of the Register for the period from the date of this licence to 30 June 2002 must be forwarded to PIRSA General Manager Aquaculture on or before 14 July 2002. A photocopy of the Registers for the period from 1 July 2001 to 30 June 2002 must be forwarded to the General Manager Aquaculture on or before 14 July 2002.

The licence holder must maintain a Mortality Register and record the mortalities of all farm abalone. Mortalities must be physically counted at intervals of no more than 3 months.

The licence holder must keep the Mortality Register for 12 months from the last entry date. A photocopy of the Register for the period from the date of this licence to 30 June 2002 must be forwarded to PIRSA General Manager, Aquaculture on or before 14 July 2002. A photocopy of the Registers for the period from 1 July 2001 to 30 June 2002 must be forwarded to the General Manager Aquaculture on or before 14 July 2002.

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

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

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

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

The licence holder must not stock the site with more than 120 000 individuals of the permitted species at any time. The size of the abalone shell measured at the greatest shell dimension, must not be less than 20 mm in length and must not be greater than 90 mm in length.

Abalone obtained from any registered hatchery must be certified free of notifiable disease before removal from the hatchery for subsequent placement on the vessel.

The licence holder must provide health certification from a suitably qualified veterinary surgeon that:

- A veterinary surgeon has within 7 days prior to the translocation examined the abalone being translocated;
- the abalone show no clinical signs of infestious disease or pests;
- the abalone to be translocated and the stock from which they are sourced are free from any diseases, disease agents or pests declared notifiable under the Fisheries Act 1982 and the Livestock Act 1997;
- the details of the signing officer should be clearly identified on the certificate and a copy of the certificate should be provided to Aquaculture SA at least two working days prior to the translocation taking place.

#### *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:

2 ha developed with 4 km of growout line 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).

##### *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 TUNA FARMING LICENCE FB00033

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

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

Marnikol Fisheries Pty Ltd (13228)  
P.O. Box 10  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
594429E 6163485N	30
594611E 6163129N	
593943E 6162789N	
593761E 6163145N	

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

*Item 2—Marked-off Areas*

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

SCHEDULE 2

*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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

Sea Cages 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00034

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

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

Sarin & Sons Pty Ltd (13049)  
P.O. Box 1073  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
592751E 6172046N	30
593410E 6171948N	
593343E 6171503N	
592684E 6171601N	

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

##### Item 2—Marked-off Areas

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

#### SCHEDULE 2

##### 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.

Southern Bluefin Tuna (*Thunnus maccoyii*)*Item 2—Permitted Farming Methods*

Sea Cages 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

## 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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00035

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

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

Sekol Farmed Tuna (14032)  
Unit 5, 5 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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
595572E 6168854N	30
596231E 6168756N	
596165E 6168311N	
595506E 6168410N	

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

Item 2—Marked-off Areas

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

SCHEDULE 2

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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

Item 2—Permitted Farming Methods

Sea Cages 13

Item 3—Stocking Rates

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

Item 4—Criteria for Development of Marine Aquaculture Sites

Development must have commenced on the site within 12 months of the licence being issued.

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; and

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

Benthic Sediments

Redox potential; and

Infauna communities including composition and abundance.

Benthic Fauna and Flora

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00036

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

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

Australian Tuna Fisheries Pty Ltd (13912)  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
597264E 6169334N	30
597923E 6169236N	
597857E 6168791N	
597197E 6168889N	

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

##### Item 2—Marked-off Areas

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

#### SCHEDULE 2

##### 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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

*Sea Cages* 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

## 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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00037

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

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

Dinko Tuna Farmers Pty Ltd (29920)  
231 New West Road  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
591330E 6166783N	30
591989E 6166684N	
591922E 6166239N	
591263E 6166338N	

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

*Item 2—Marked-off Areas*

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

SCHEDULE 2

*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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

Sea Cages 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00038

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

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

Emily Krstina (Australia) Pty Ltd (13053)  
Prisman Pty Ltd (29921)  
Stolt Sea Farm Pty Ltd (1720)  
18 North Point Avenue  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
589103E 6163476N	30
589292E 6163013N	
588737E 6162786N	
588548E 6163249N	

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

##### Item 2—Marked-off Areas

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

#### SCHEDULE 2

##### 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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

*Sea Cages* 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

## 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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00039

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

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

Australian Fishing Enterprises Pty Ltd (13227)  
Billy Lights Point  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
592454E 6170351N	30
593113E 6170252N	
593046E 6169807N	
592387E 6169906N	

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

*Item 2—Marked-off Areas*

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

SCHEDULE 2

*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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

Sea Cages 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00040

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

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

Kinkawooka Pty Ltd (13225)  
Sarunic & Sons Pty Ltd (14034)  
Stehr, M. A. (13911)  
7 Jordan Court  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
592991E 6166605N	30
593651E 6166506N	
593584E 6166061N	
592925E 6166160N	

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

##### Item 2—Marked-off Areas

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

#### SCHEDULE 2

##### 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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

Sea Cages 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

## 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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00041

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

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

Stolt Sea Farm Pty Ltd (1720)  
17 Freezer Road  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
594408E 6164955N	30
595067E 6164856N	
595001E 6164411N	
594342E 6164510N	

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

*Item 2—Marked-off Areas*

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

SCHEDULE 2

*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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

Sea Cages 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00042

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

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

Blaslov Fishing Pty Ltd (14231)  
86 Ocean Avenue  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
595988E 6171678N	30
596647E 6171580N	
596581E 6171135N	
595922E 6171233N	

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

##### Item 2—Marked-off Areas

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

#### SCHEDULE 2

##### 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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

*Sea Cages* 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

## 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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00043

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

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

AJKA Pty Ltd (1673)  
7 Riversdale Avenue  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
594090E 6167895N	30
594749E 6167797N	
594682E 6167352N	
594023E 6167451N	

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

*Item 2—Marked-off Areas*

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

SCHEDULE 2

*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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

*Sea Cages* 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00044

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

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

Australian Fishing Enterprises Pty Ltd (13227)  
Billy Lights Point  
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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
591864E 6163371N	30
592523E 6163272N	
592456E 6162827N	
591797E 6162926N	

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

##### Item 2—Marked-off Areas

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

#### SCHEDULE 2

##### 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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

*Sea Cages* 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

## 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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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 TUNA FARMING LICENCE FB00045

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

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

M. G. Kailis Gulf Fisheries Pty Ltd (13229)  
6/7 South 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 20 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
594142E 6161482N	30
594142E 6161209N	
593043E 6161209N	
593043E 6161482N	

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

*Item 2—Marked-off Areas*

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

SCHEDULE 2

*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.

Southern Bluefin Tuna (*Thunnus maccoyii*)

*Item 2—Permitted Farming Methods*

Sea Cages 13

*Item 3—Stocking Rates*

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

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m<sup>3</sup>.

*Item 4—Criteria for Development of Marine Aquaculture Sites*

Development must have commenced on the site within 12 months of the licence being issued.

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; and

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

*Benthic Sediments*

Redox potential; and

Infauna communities including composition and abundance.

*Benthic Fauna and Flora*

Benthic macro-flora communities including composition and abundance; and

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 and videos within three 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: SECTION 53

TAKE note that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 15 October 2001, on page number 4505, being the second notice on that page, through to page number 4507 and referring to Sekol Farmed Tuna Pty Ltd is hereby revoked.

Dated 21 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

## FISHERIES ACT 1982: SECTION 53

TAKE note that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 22 October 2001, on page number 4670, being the second notice on that page, through to page number 4672 and referring to Australian Tuna Fisheries Pty Ltd, Blaslov Farmed Tuna Pty Ltd and Sarunic & Sons Pty Ltd is hereby revoked.

Dated 21 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

## FISHERIES ACT 1982: SECTION 53

TAKE note that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 20 September 2001, on page number 4243, being the second notice on that page, through to page number 4246 and referring to Australian Tuna Fisheries Pty Ltd and Blaslov Tuna Farm Pty Ltd is hereby revoked.

Dated 21 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

## FISHERIES ACT 1982: SECTION 53

TAKE note that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 10 September 2001, on page number 3995, being the second notice on that page, through to page number 3998 and referring to AJKA Pty Ltd and Marnikol Fisheries Pty Ltd is hereby revoked.

Dated 21 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

## FISHERIES ACT 1982: SECTION 53

TAKE note that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 10 September 2001, on page number 3998, being the second notice on that page, through to page number 4000 and referring to Sea Marine Holdings Pty Ltd is hereby revoked.

Dated 21 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

## FISHERIES ACT 1982: SECTION 53

TAKE note that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 28 August 2001, on page number 3397, being the second notice on that page, through to page number 3399 and referring to Australian Fishing Enterprises Pty Ltd is hereby revoked.

Dated 21 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

## FISHERIES ACT 1982: SECTION 53

TAKE note that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 3 September 2001, on page number 3380, being the second notice on that page, through to page number 3382 and referring to S. & Z. Lukin Pty Ltd is hereby revoked.

Dated 21 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

## FISHERIES ACT 1982: SECTION 53

TAKE note that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 14 September 2001, on page number 4188, being the sixth notice on that page, through to page number 4190 and referring to Stolt Sea Farm Pty Ltd is hereby revoked.

Dated 21 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

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## FISHERIES ACT 1982: SECTION 53

TAKE note that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 4 September 2001, on page number 3911, being the second notice on that page, through to page number 3913 and referring to Tuna Farmers Pty Ltd is hereby revoked.

Dated 21 December 2001.

I. NIGHTINGALE, General Manager Aquaculture,  
as the delegate of the Minister for Primary  
Industries

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