

SUPPLEMENTARY GAZETTE



THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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

ADELAIDE, MONDAY, 17 DECEMBER 2001

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00031
(PREVIOUS LICENCE NO. F529)

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

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

Leon K. Stott (13009)
Sections 4 and 5, Hundred of Moule
Ceduna, S.A. 5690

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and

- 2.2 must not take any wild fish from the site except for recreational purposes.

3. *Permitted Use*

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

4. *Permitted Methods*

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

4.2 SASQAP

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

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

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

5. Marking and Maintaining the Site

The licensee:

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

6. Site Inspection and Supervision

The licensee:

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

7. Fees and Returns

The licensee:

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

8. Public Risk Insurance

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

9. Guarantee or Indemnity Scheme

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

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

10. No Assignment

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

11. Variation and Cancellation

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

11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;

11.1.2 the results of any other monitoring as may from time to time be carried out; or

11.1.3 such other relevant information within the knowledge of the Minister.

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

11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or

11.2.2 cancel this licence for failure to comply with such requirements for rectification.

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

11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;

11.3.2 an order is made for the winding up or liquidation of the licensee;

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

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

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

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

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

11.4.2 is convicted of an indictable offence.

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

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 6 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 | |
| 366052E 6444502N | |
| 366341E 6444490N | 10 |
| 366413E 6444183N | |
| 366037E 6444206N | |

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

Item 2—Marked-off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods**Longlines*

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

Item 3—Criteria for Development of Marine Aquaculture Sites

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

1 ha developed with 3 km of BST longline or 1 km of racking on the site.

SCHEDULE 3

Item 1—Fees

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

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

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

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

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

Farm Management

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

Water Quality

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

Feral Oysters

Presence and numbers of feral oysters.

Benthic Sediments

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

Benthic Fauna and Flora

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

METHODOLOGY

Video Transects

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

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

Report

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

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

SCHEDULE 6

Schedule of Environmental Monitoring Reports

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00040
(PREVIOUS LICENCE NO. F566)

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

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

Leon K. Stott (13009)
Sections 4 and 5, Hundred of Moule
Ceduna, S.A. 5690

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

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

3. *Permitted Use*

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

4. Permitted Methods

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
- 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
- 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
- 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;
- 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.
- 4.2 *SASQAP*
- 4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.
- 4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.
- 4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

5. Marking and Maintaining the Site

The licensee:

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

6. Site Inspection and Supervision

The licensee:

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

7. Fees and Returns

The licensee:

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

8. Public Risk Insurance

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

9. Guarantee or Indemnity Scheme

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

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

10. No Assignment

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

11. Variation and Cancellation

- 11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:
- 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
- 11.1.2 the results of any other monitoring as may from time to time be carried out; or
- 11.1.3 such other relevant information within the knowledge of the Minister.
- 11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:
- 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 11.2.2 cancel this licence for failure to comply with such requirements for rectification.
- 11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:
- 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 11.3.2 an order is made for the winding up or liquidation of the licensee;
- 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or

- 11.3.5 a mortgagee, chargee or other encumbrance is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.
- 11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:
- 11.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 11.4.2 is convicted of an indictable offence.
- 11.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 6 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 | |
| 366226E 6444094N | 10 |
| 366499E 6444077N | |
| 366810E 6443703N | |
| 366554E 6443699N | |

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

Item 2—Marked-off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

Item 2—Permitted Farming Methods

Longlines

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

Item 3—Criteria for Development of Marine Aquaculture Sites

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

1 ha developed with 3 km of BST longline or 1 km of racking on the site.

SCHEDULE 3

Item 1—Fees

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

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

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

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

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

Farm Management

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

Water Quality

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

Feral Oysters

Presence and numbers of feral oysters.

Benthic Sediments

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

Benthic Fauna and Flora

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

METHODOLOGY

Video Transects

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

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

Report

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

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

SCHEDULE 6

Schedule of Environmental Monitoring Reports

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00041
(PREVIOUS LICENCE NO. F572)

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

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

Leon K. Stott (13009)
Sections 4 and 5, Hundred of Moule
Ceduna, S.A. 5690

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*

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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;
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 - 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.

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5. *Marking and Maintaining the Site*

The licensee:

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

6. *Site Inspection and Supervision*

The licensee:

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

7. *Fees and Returns*

The licensee:

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

8. *Public Risk Insurance*

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

9. *Guarantee or Indemnity Scheme*

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

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

10. *No Assignment*

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

11. *Variation and Cancellation*

- 11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:
- 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
- 11.1.2 the results of any other monitoring as may from time to time be carried out; or
- 11.1.3 such other relevant information within the knowledge of the Minister.
- 11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:
- 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 11.2.2 cancel this licence for failure to comply with such requirements for rectification.
- 11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:
- 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 11.3.2 an order is made for the winding up or liquidation of the licensee;
- 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 11.3.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.
- 11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:
- 11.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 11.4.2 is convicted of an indictable offence.
- 11.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 6 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 | |
| 366216E 6442709N | 10 |
| 366296E 6442680N | |
| 366071E 6442277N | |
| 365979E 6442188N | |
| 365828E 6642115N | |
| 365789E 6442178N | |

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

Item 2—Marked-off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods**Longlines*

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

Item 3—Criteria for Development of Marine Aquaculture Sites

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

1 ha developed with 3 km of BST longline or 1 km of racking on the site.

SCHEDULE 3

Item 1—Fees

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

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

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

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

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

Farm Management

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

Water Quality

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

Feral Oysters

Presence and numbers of feral oysters.

Benthic Sediments

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

Benthic Fauna and Flora

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

METHODOLOGY

Video Transects

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

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

Report

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

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

SCHEDULE 6

Schedule of Environmental Monitoring Reports

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00110 (PREVIOUS LICENCE NO. F786)

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

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

Chintarra Pty Ltd (13106)
Sections 4 and 5, Hundred of Moule
Ceduna, S.A. 5690

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

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

3. *Permitted Use*

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

4. *Permitted Methods*

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

4.2 *SASQAP*

- 4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.
- 4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.
- 4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

5. *Marking and Maintaining the Site*

The licensee:

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

6. *Site Inspection and Supervision*

The licensee:

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

7. Fees and Returns

The licensee:

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

8. Public Risk Insurance

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

9. Guarantee or Indemnity Scheme

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

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

10. No Assignment

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

11. Variation and Cancellation

- 11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:
 - 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
 - 11.1.2 the results of any other monitoring as may from time to time be carried out; or
 - 11.1.3 such other relevant information within the knowledge of the Minister.
- 11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:
 - 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
 - 11.2.2 cancel this licence for failure to comply with such requirements for rectification.
- 11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:
 - 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 11.3.2 an order is made for the winding up or liquidation of the licensee;
 - 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or

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

- 11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:
 - 11.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
 - 11.4.2 is convicted of an indictable offence.

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

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 6 December 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Area | Licensed Hectares |
|------------------|---------------|-------------------|
| AGD 66—Zone 53 | | |
| 364259E 6440962N | | 10 |
| 364435E 6440710N | | |
| 364219E 6440654N | | |
| 364055E 6440478N | | |
| 363856E 6440463N | | |

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

Item 2—Marked-off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

Item 2—Permitted Farming Methods

BST Longlines
Racks

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

Item 3—Criteria for Development of Marine Aquaculture Sites

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

1 ha developed by 30 June 2002.

SCHEDULE 3

Item 1—Fees

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

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

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

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

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

Farm Management

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

Water Quality

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

Feral Oysters

Presence and numbers of feral oysters.

Benthic Sediments

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

Benthic Fauna and Flora

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

METHODOLOGY

Video Transects

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

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

Report

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

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

SCHEDULE 6

Schedule of Environmental Monitoring Reports

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00352

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

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

Leon K. Stott (13009)
Christine M. Stott (19776)
Sections 4 and 5, Hundred of Moule
Ceduna, S.A. 5690

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

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

3. *Permitted Use*

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

4. *Permitted Methods*

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

4.2 *SASQAP*

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

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

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

5. *Marking and Maintaining the Site*

The licensee:

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

6. *Site Inspection and Supervision*

The licensee:

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

7. *Fees and Returns*

The licensee:

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

8. *Public Risk Insurance*

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

9. *Guarantee or Indemnity Scheme*

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

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

10. *No Assignment*

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

11. *Variation and Cancellation*

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

11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;

11.1.2 the results of any other monitoring as may from time to time be carried out; or

11.1.3 such other relevant information within the knowledge of the Minister.

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

11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or

11.2.2 cancel this licence for failure to comply with such requirements for rectification.

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

11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;

11.3.2 an order is made for the winding up or liquidation of the licensee;

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

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

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

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

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

11.4.2 is convicted of an indictable offence.

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

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 6 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 | |
| 377178E 6434685N | 6.6 |
| 377385E 6434649N | |
| 377331E 6434339N | |
| 377124E 6434375N | |

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

Item 2—Marked-off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods**BST Longlines*

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

Item 3—Criteria for Development of Marine Aquaculture Sites

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

0.6 ha developed with 1.8 km of BST longline or 0.6 km of racking on the site.

SCHEDULE 3

Item 1—Fees

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

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

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

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

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

Farm Management

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

Water Quality

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

Feral Oysters

Presence and numbers of feral oysters.

Benthic Sediments

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

Benthic Fauna and Flora

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

METHODOLOGY

Video Transects

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

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

Report

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

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

SCHEDULE 6

Schedule of Environmental Monitoring Reports

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

FISHERIES ACT 1982

MARINE MOLLUSC (SUBTIDAL) FARMING LICENCE FS00038

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

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

Todd Packer (12239)
64 Cook Street
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 all or any of the licensee's assets.

- 11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:
- 11.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 11.4.2 is convicted of an indictable offence.
- 11.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 6 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 | |
| 580474E 6152206N | 10 |
| 580349E 6152013N | |
| 580723E 6151785N | |
| 580851E 6151975N | |

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

Item 2—Marked-off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

- Blue Mussels (*Mytilus edulis*)
 Commercial (King) Scallops (*Pecten fumatus*)
 Queen Scallops (*Equichlamys bifrons*)
 Dough Boy Scallops (*Mimachlamys asperrimus*)

Item 2—Permitted Farming Methods

BST Longlines

Mussels and Scallops

| Size (mm) | Number per Hectare |
|-----------|--------------------|
| 3 | 30 000 000 |
| 10 | 20 000 000 |
| 20 | 16 000 000 |
| 30 | 13 000 000 |
| 40 | 6 000 000 |
| 50 | 4 000 000 |
| 60 | 2 000 000 |
| 70 | 1 500 000 |
| 80 | 1 000 000 |
| 90 | 750 000 |
| 100 | 500 000 |

Item 3—Criteria for Development of Marine Aquaculture Sites

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

- 1 ha developed with 2 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: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Jeffrey Ellis, holder of Southern Zone Rock Lobster Fishery Licence No. S058, or his registered masters (hereinafter referred to as the 'exemption holder'), corner George and Giles Street, Southend, S.A. 5280, is exempt from the provisions of Regulation 9 of the Fisheries (General) Regulations 2000, but only insofar as the exemption holder shall use no more than 30 rock lobster pots in addition to the number of rock lobster pots currently endorsed on Fishery Licence No. S039, to take fish prescribed pursuant to Schedule 1 of the Scheme of Management (Rock Lobster Fishery) Regulations 2000 (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 1, from the date of gazettal of this notice until 31 January 2002, unless varied or revoked earlier.

SCHEDULE 1

1. The additional 30 rock lobster pots must have a tag that is marked 'Research' attached to the buoy.

2. Additional rock lobster pots used pursuant to this notice do not have to meet the specifications for rock lobster pots set out in Clause 89 of Schedule 1 of the Fisheries (General) Regulations 2000.

3. The exempted activity can only be undertaken whilst Daniel Brock from the South Australian Research and Development Institute (SARDI), or another SARDI scientific officer, is aboard the boat being used pursuant to Southern Zone Rock Lobster Fishery Licence No. S039.

4. All fish taken from the additional 30 rock lobster pots pursuant to the research will be subtracted from the rock lobster quota holding and must be recorded on a SZRL1 form for Southern Zone Rock Lobster Fishery Licence No. S039.

5. The exemption holder must provide a report in writing detailing the outcomes of the research pursuant to this notice to the Director of Fisheries, (Attention Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001) within 14 days of the expiry of this notice.

6. While engaged in the exempted activity the exemption shall have in their 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 produced.

7. The exemption holder shall not contravene or fail to comply with the Fisheries Act 1982 or any Regulation made under that Act or any condition of her licence, except where specifically exempted by this notice.

Dated 11 December 2001.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Shirley J. Galpin, holder of Southern Zone Rock Lobster Fishery Licence No. S039, or her registered masters (hereinafter referred to as the 'exemption holder'), P.O. Box 358, Millicent, S.A. 5280, is exempt from the provisions of Regulation 9 of the Fisheries (General) Regulations 2000, but only insofar as the exemption holder shall use no more than 30 rock lobster pots in addition to the number of rock lobster pots currently endorsed on Fishery Licence No. S039, to take fish prescribed pursuant to Schedule 1 of the Scheme of Management (Rock Lobster Fishery) Regulations 2000 (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 1, from the date of gazettal of this notice until 31 January 2002, unless varied or revoked earlier.

SCHEDULE 1

1. The additional 30 rock lobster pots must have a tag that is marked 'Research' attached to the buoy.

2. Additional rock lobster pots used pursuant to this notice do not have to meet the specifications for rock lobster pots set out in Clause 89 of Schedule 1 of the Fisheries (General) Regulations 2000.

3. The exempted activity can only be undertaken whilst Daniel Brock from the South Australian Research and Development

Institute (SARDI), or another SARDI scientific officer, is aboard the boat being used pursuant to Southern Zone Rock Lobster Fishery Licence No. S039.

4. All fish taken from the additional 30 rock lobster pots pursuant to the research will be subtracted from the rock lobster quota holding and must be recorded on a SZRL1 form for Southern Zone Rock Lobster Fishery Licence No. S039.

5. The exemption holder must provide a report in writing detailing the outcomes of the research pursuant to this notice to the Director of Fisheries, (Attention Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001) within 14 days of the expiry of this notice.

6. While engaged in the exempted activity the exemption shall have in their 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 produced.

7. The exemption holder shall not contravene or fail to comply with the Fisheries Act 1982 or any Regulation made under that Act or any condition of her licence, except where specifically exempted by this notice.

Dated 11 December 2001.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Alan L. Jackway, holder of Southern Zone Rock Lobster Fishery Licence No. S105, or his registered masters (hereinafter referred to as the 'exemption holder'), Bridges Drive, Southend, S.A. 5280, is exempt from the provisions of Regulation 9 of the Fisheries (General) Regulations 2000, but only insofar as the exemption holder shall use no more than 30 rock lobster pots in addition to the number of rock lobster pots currently endorsed on Fishery Licence No. S105, to take fish prescribed pursuant to Schedule 1 of the Scheme of Management (Rock Lobster Fishery) Regulations 2000 (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 1, from the date of gazettal of this notice until 31 January 2002, unless varied or revoked earlier.

SCHEDULE 1

1. The additional 30 rock lobster pots must have a tag that is marked 'Research' attached to the buoy.

2. Additional rock lobster pots used pursuant to this notice do not have to meet the specifications for rock lobster pots set out in Clause 89 of Schedule 1 of the Fisheries (General) Regulations 2000.

3. The exempted activity can only be undertaken whilst Daniel Brock from the South Australian Research and Development Institute (SARDI), or another SARDI scientific officer, is aboard the boat being used pursuant to Southern Zone Rock Lobster Fishery Licence No. S105.

4. All fish taken from the additional 30 rock lobster pots pursuant to the research will be subtracted from the rock lobster quota holding and must be recorded on a SZRL1 form for Southern Zone Rock Lobster Fishery Licence No. S105.

5. The exemption holder must provide a report in writing detailing the outcomes of the research pursuant to this notice to the Director of Fisheries, (Attention Roger Hill, G.P.O. Box 1625, Adelaide, S.A. 5001) within 14 days of the expiry of this notice.

6. While engaged in the exempted activity the exemption shall have in their 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 produced.

7. The exemption holder shall not contravene or fail to comply with the Fisheries Act 1982 or any Regulation made under that Act or any condition of her licence, except where specifically exempted by this notice.

Dated 11 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 Vincent Primary School and Aquatic Centre or persons acting as their agents (hereinafter referred to as the 'exemption holder'), P.O. Box 116, Port Vincent, S.A. 5581 are exempt from section 34 of the Fisheries Act 1982, in that the exemption holder shall not be guilty of an offence when engaging in the activity specified in Schedule 1, in the waters specified in Schedule 2, subject to the conditions specified in Schedule 3, from the date of gazettal of this notice until 30 November 2002.

SCHEDULE 1

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

SCHEDULE 2

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

SCHEDULE 3

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

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

3. No more than 5 of any species may be taken or possessed at any one time.

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

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

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

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

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

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

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

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

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

Dated 12 December 2001.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Stephen Donnellan (hereinafter referred to as the 'exemption holder') from the South Australian Museum, North Terrace, Adelaide, S.A. 5000 is exempt from the provisions of the Fisheries Act (Aquatic Reserves) Regulations 1989 and Clause 65 of Schedule 1 of the Fisheries (General) Regulations 2000, but only insofar as the exemption holder may collect marine organisms from South Australia coastal waters including intertidal 'rocky' reefs using the gear specified in Schedule 1 or by using chemical anaesthetics (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

| | |
|-------------------------|------------------------|
| 3 hoop nets | 5 shrimp traps |
| 3 octopus pots | 2 dab nets |
| 1 mussel dredge | 2 plankton nets |
| 1 hand spear per person | 1 spear gun per person |

SCHEDULE 2

1. The specimens collected by the exemption holder are for scientific purposes only and may not be sold.

2. At least 24 hours prior to collecting any specimens pursuant to this notice, the exemption holder must advise PIRSA Fisheries Compliance on 1800 065 522 with details of the proposed locations, the dates on which the collections are to be made and names of any agents.

3. While engaging in the exempted activity, the exemption holder or his agents 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.

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

Dated 12 December 2001.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Bernard S. Starkey (hereinafter referred to as the 'exemption holder'), c/o Post Office, Venus Bay, S.A. 5671, holder of Marine Scalefish Fishery Licence No. M436, is exempt from the provisions of Clause 61 of Schedule 1 of the Fisheries (General) Regulations 2000, but only insofar as the exemption holder shall not be guilty of an offence when taking razor fish (*Pinna bicolor*) from South Australian coastal marine waters (hereinafter referred to as the 'exempted activity'), subject to the conditions specified in Schedule 1, from the date of gazettal of this notice until 30 June 2002, unless varied or revoked earlier.

SCHEDULE 1

1. All razor fish (*Pinna bicolor*) taken pursuant to this notice shall be used for bait only.

2. The total number of razor fish (*Pinna bicolor*) taken in any one day, shall be no greater than 150.

3. The exemption holder must include all razor fish (*Pinna bicolor*) taken under this notice on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

4. Whilst engaged in the exempted activity the exemption holder must have in or about his possession the copy of this notice and produce that notice to a PIRSA Fisheries Compliance Officer forthwith, if and when an officer requests the exemption holder to produce it.

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

Dated 12 December 2001.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FT00688

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

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

Destiny Abalone Pty Ltd (29276)
7 Johansson Road
Wingfield, S.A. 5013

a licence to use the vessel *Destiny Queen* to use the waters within the nominated operating zone specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming the permitted species ('the permitted use') for the period commencing from date of gazettal and ending, subject to any earlier termination under this licence, on 20 December 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Permitted Species*

The licensee:

- 1.1 must not farm or introduce any species on the vessel other than the permitted species referred to in Schedule 2; and
- 1.2 must not take any wild fish except for recreational purposes.

2. *Permitted Use*

- 2.1 The licensee must not use the site for any purpose other than the permitted use.
- 2.2 The licensee must notify Aquaculture SA of the names and contact details of persons responsible for ship operation (at sea) and husbandry management (at sea), including immediate notification of any change of persons (within five business days).
- 2.3 Aquaculture SA must be advised immediately (within five business days) of any changes to company directors, vessel name and details or corporate structure.

3. *Permitted Methods*

- 3.1 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:
 - 3.1.1 must not use the anti-fouling chemical tributyltin (TBT) or butyltin derivative on any part of the vessel, tender or equipment used on the vessel;
 - 3.1.2 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister. This includes the use of feed containing antibiotics and the use of anaesthetics during harvest;
 - 3.1.3 must not allow discharge, emission, deposit of pollutants into any waters to cause any visible debris, oil scum, or other objectionable matter or odour at the discharge area;
 - 3.1.4 must undertake an environmental monitoring program approved by the Minister;
 - 3.1.5 must not introduce the permitted species to the vessel before the approval of the environmental monitoring program referred to in 3.1.4 by the Minister;
 - 3.1.6 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.

3.2 *Disaster Response Plan*

The licensee:

- 3.2.1 must participate in the development of a disaster response plan prepared in consultation with PIRSA Fisheries Compliance and the EPA to address circumstances such as disease manage-

ment, environmental harm, stranding, storm management, algal blooms and a variety of other issues including the control, containment or mitigation of any spill, accident or plant failure which may result in or increase the risk of the release of pollutants to the marine environment;

- 3.2.2 will be expected to have the technical and financial capability to respond in accordance with an approved draft disaster response plan with the final disaster response plan being provided by the licence holder to Aquaculture SA for approval within 60 days of the issuing of this licence;
 - 3.2.3 the licensee must not introduce any abalone species to the vessel until the disaster response plan has been approved by PIRSA Fisheries Compliance;
 - 3.2.4 the disaster response plan shall be recognised as the appropriate action in circumstances requiring emergency response. The licensee must contact PIRSA Fisheries Compliance (1800 065 522) when the disaster response plan is initiated.
- 3.3 *Vessel Monitoring System (VMS)*
- 3.3.1 The licensee must participate in the development of a vessel reporting system in consultation with PIRSA Fisheries Compliance, allowing for the timely reporting of vessel movement, anchorage, stocking, harvesting, events etc. This shall be in the form of a vessel monitoring system (VMS) which shall be required to be in operation at all times. In the absence of VMS for any circumstances, the licensee must notify PIRSA Fisheries Compliance (telephone 1800 065 522) of any vessel movement, anchorage site and operating intentions.
- 3.4 The vessel must not remain anchored in the same location for any period exceeding 14 calendar days, and the minimum movement of the vessel to another site shall be 3 nautical miles.
- 3.5 *Environmental Protection Authority (EPA)*
- The licensee must comply with but not limited to the following requirements under the Environmental Protection Act 1993:
- 3.5.1 sewage and greywater disposal must be in accordance with EPA guidelines;
 - 3.5.2 discharge water must be treated and disposed of in accordance with EPA guidelines;
 - 3.5.3 all solid waste, including abalone processing material and dead abalone, must be stored on board and disposed of on shore according to EPA requirements;
 - 3.5.4 the licensee must ensure that the anchor and chain from the vessel does not cause environmental harm as defined in the Environment Protection (Marine) Policy 1994;
 - 3.5.5 the licensee must undertake a monitoring program of discharge water, in accordance with directions from the EPA (Schedule 5). The environmental monitoring program must meet guidelines imposed by the EPA;
 - 3.5.6 the licensee shall be subjected to a maximum criteria value for the mass load of nutrients in the discharge defined and advised by the EPA. The licensee shall take all reasonable and practicable measures to ensure the discharge does not exceed this value;
 - 3.5.7 the licensee must not introduce abalone to the vessel before the approval of the environmental monitoring program identified by the EPA;
 - 3.5.8 the licensee must ensure that every employee, agent or contractor responsible for carrying out any task controlled by the licence is properly advised as to the requirements of this licence and the general environmental duty under section 25 of the Environmental Protection Act 1993, that relate to that person's tasks and responsibilities as employee, agent or contractor.

3.6 The licensee must submit a draft environmental monitoring program prepared in accordance with EPA guidelines 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.

3.7 The licensee must comply with all other applicable legislation, including that of AQIS, the EPA and Department of Transport (i.e. vessel registration, survey, navigation, manning requirements, appropriate markings etc. for both the main vessel and any tender vessel).

4. Site Inspection and Supervision

The licensee:

- 4.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the vessel (all areas of the vessel) for the purposes of inspecting the vessel; and
- 4.2 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.

5. Fees and Returns

The licensee:

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

6. 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 (through Aquaculture SA) prior to undertaking abalone farming activity.

7. Guarantee or Indemnity Scheme

The licensee must provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3 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. The guarantee must have effect from the date of commencement of the term.

8. No Assignment

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

9. Variation and Cancellation

9.1 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:

- 9.1.1 the results of environmental monitoring undertaken;
- 9.1.2 the results of any other monitoring as may from time to time be carried out; or
- 9.1.3 such other relevant information within the knowledge of the Minister.

9.2 Subject to and without limiting Condition 9.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:

- 9.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or

9.2.2 cancel this licence for failure to comply with such requirements for rectification.

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

9.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;

9.3.2 an order is made for the winding up or liquidation of the licensee;

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

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

9.3.5 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.

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

9.4.1 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

9.4.2 is convicted of an indictable offence.

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

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

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Operating zone bounded to this licence:

WGS 84—Zone 53

136°23'47"E 34°10'12"S

136°40'00"E 34°10'12"S

136°40'00"E 34°57'26"S

136°12'28"E 34°57'26"S

136°30'42"E 34°32'17"S

136°14'36"E 34°25'15"S

Item 2—Operating Areas

The vessel will be licensed to operate within the nominated operating zone (Schedule 1, Item 1) only:

- but not within 3 nautical miles of any land, island or known rocky reef within that zone;
- but not in waters less than 20 m deep;
- but not within 3 nautical miles of any licensed aquaculture development.

Any licence issued does not entitle the licensee to exclusive rights of entry, passage or occupation of any position within the operating zone or any other zone.

The vessel may operate outside of the identified operating zone on one occasion only for the purpose of loading of initial abalone stock. The vessel must move to the nominated operating zone within 48 hours of completion of loading of abalone.

The feeding of abalone on board the vessel whilst outside of the operating zone (Schedule 1, Item 1) is not permitted.

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 laevigata*)

Item 2—Permitted Farming Methods

- Abalone placed on board the vessel may only be obtained from an abalone hatchery currently registered with Aquaculture SA.
- The initial placement of abalone on board the vessel shall only occur in the presence of PIRSA Fisheries Compliance staff. Prior notification of the activity can occur through Fishwatch on 1800 065 522.
- Collecting, possessing or obtaining any wild capture abalone species or other species will not be permitted.
- The minimum size for any abalone on board the vessel shall be 20 mm. The maximum size limit of any abalone on board the vessel shall be 100 mm.
- The spawning of abalone or purchasing or collecting or obtaining of abalone broodstock on board the vessel is not permitted.
- Abalone may only be fed using commercially produced artificial feed.
- 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 licensee must provide health certification from a suitably qualified veterinary surgeon which specifies that:
 - the abalone has been examined within 7 days of the translocation;
 - the abalone show no clinical signs of infectious 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.
- The licensee must, within 6 months of the issue of this licence, and then subsequently within every future 6 month period, or at any other time determined by PIRSA Fisheries Compliance or Aquaculture SA, have live abalone on board the vessel tested for the presence of notifiable disease. In particular the licensee must within every 6 month period provide Aquaculture SA with a Health Certificate from a suitably qualified veterinarian surgeon which specifies that:
 - abalone on board the vessel are free from any diseases, disease agents or pests declared notifiable under the Fisheries Act 1982 and 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 within two days of the expiry of each 6 month period;
 - the number(s) of abalone tested for notifiable diseases shall not be less than 0.01% of the holding stock;
 - the sample collection and analysis cost will be the responsibility of the licensee.

Culture System

- The culture system must be designed (screened <20 mm) to prevent the escape of any abalone from the vessel.
- The culture system must be designed in a manner in which the entire system can be isolated from intake and discharge points, thereby when necessary preventing the discharge of water to the environment. The vessel must have the capacity to hold, isolate and treat at one time all seawater contained within the abalone growing tanks.
- The licensee must, within 90 days of the issuing of this licence obtain and install an appropriate ultraviolet (UV) treatment system or appropriate alternative system, designed to treat all discharge water emanating from the culture system. The system must be designed to accommodate the volume of water discharged from the vessel, and of UV irradiation, or alternative, of a strength at least capable of destroying the pathogen, (*Perkinsus olseni*).

- All tanks on board the vessel must have a unique identifying number and all required records must use this numbering system to record farm activity including inputs, outputs and mortalities.

Stock Movement Register

- A stock movement register must be maintained at all times and made available to Aquaculture SA and PIRSA Fisheries Compliance at all times. The register must be retained on the vessel at all times in a place and manner so as to preserve the record or is not likely to be damaged, lost stolen or destroyed. The register shall record:
 - the full name, office and signature of any person making any record in the register;
 - the full name and address and fish farming registration number of the person/company from whom the abalone is obtained;
 - the number, weight and size range of abalone obtained from a abalone hatchery currently registered with Aquaculture SA;
 - the date and time abalone were received on board the vessel;
 - the full name and address of any person/company to whom abalone were disposed to, including any courier transporting abalone from vessel to any other location;
 - the number and weight of abalone disposed of;
 - the form of handling/processing to which the abalone were subjected to before their disposal (i.e. live, shucked, canned etc.);
 - the number of mortalities, including the date in which they were observed, including any observations as to cause of death;
 - the individual size of all mortalities and the tank number from which the mortalities were gathered;
 - the register shall record a unique identifying number, which is also to be placed on the bag or other container in which mortalities are stored;
 - the register entry must be kept for 5 years from the date of making the record;
 - the register must be in clear, legible English.
- All dead abalone must be recorded in the stock movement register, and then stored in a frozen state in an easy access area of the vessel. The container holding the dead abalone must be clearly marked with the number of mortalities, unique identifying tank number, the date of collection and the stock movement register reference number.
- No abalone shall enter or leave the ship without Aquaculture SA being advised of the stock movement. All mortalities shall be retained on board, suitable for inspection, for future disposal on shore according to EPA criteria.
- Major mortality events (>10%) or any disease or pest related infections are to be reported immediately to PIRSA Fisheries Compliance Fishwatch on 1800 065 522.
- A minimum of 24 hours prior notification must be given to PIRSA Fisheries Compliance (1800 065 522) before any mortalities are removed from the vessel.

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

| | |
|------------------------|----------|
| | \$ |
| Base Licence Fee | 1 620.00 |

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

*Returns**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 Minister will determine the information contained in these returns.

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 Environmental Monitoring Program shall be in accordance with the Water Quality Monitoring Program document prepared by Rebecca Giles Consulting Pty Ltd, in consultation with the EPA, for Destiny Abalone Pty Ltd, dated 7 December 2001, or subsequent monitoring program approved by Aquaculture SA.

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. The licence holder and the person(s) conducting the monitoring program must sign this declaration.

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.

Data obtained from environmental monitoring must be made available to Aquaculture SA or PIRSA Fisheries Compliance upon request.

SCHEDULE 6

Schedule of Environmental Monitoring Reports

The licensee must submit environmental monitoring reports to Aquaculture SA within 2 days of completion of each quarterly period, commencing within 3 months of the date of licence issue.

An annual environmental monitoring program report must be submitted 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.

Attachment