



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, THURSDAY, 15 APRIL 1999

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GOVERNMENT GAZETTE NOTICES

ALL poundkeepers' and private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to Riverside 2000 so as to be **received no later than 4 p.m. Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040.**

Tenancies Tribunal, pursuant to the provisions of the Residential Tenancies Act 1995:

Member: (from 15 April 1999 until 14 April 2000)
Stuart Webb Andrew, LLB

By command,
IAIN EVANS, for Premier

ATTG 7/99CS

Department of the Premier and Cabinet
Adelaide, 15 April 1999

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Residential Tenancies Tribunal, pursuant to the provisions of the Residential Tenancies Act 1995:

Acting Deputy Registrar: (from 27 April 1999 until 14 May 1999)

Martin John O'Neill

By command,
IAIN EVANS, for Premier

OCBA 002/93TC1CS

Department of the Premier and Cabinet
Adelaide, 15 April 1999

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Public and Environmental Health Council, pursuant to the provisions of the Public and Environmental Health Act 1987:

Member: (from 15 April 1999 until 14 April 2002)
John Coombe

Deputy Member: (from 15 April 1999 until 14 April 2002)
Cr Dianne Patricia Field:

Deputy Member: (from 15 April 1999 until 27 January 2002)

Dr Ian Campbell Calder, BSc, PhD

By command,
IAIN EVANS, for Premier

MHS 05/99CS

Department of the Premier and Cabinet
Adelaide, 15 April 1999

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the State Crewing Committee, pursuant to the provisions of the Harbors and Navigation Act 1993:

Deputy Member: (from 15 April 1999 until 30 June 2000)
Ian Henderson Woollard

By command,
IAIN EVANS, for Premier

DTRN 09881/97TC1CS

Department of the Premier and Cabinet
Adelaide, 15 April 1999

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Totalizator Agency Board, pursuant to the provisions of the Racing Act 1976:

Member: (from 15 April 1999 until 14 April 2000)

John Gilbert Branson
Vickie Anne Chapman
Janet Elizabeth Grieve
Richard Pellew Krantz
David John Seymour-Smith
John Maurice Patten

Presiding Member: (from 15 April 1999 until 14 April 2000)
John Gilbert Branson

By command,
IAIN EVANS, for Premier

MGE 035/99CS

Department of the Premier and Cabinet
Adelaide, 15 April 1999

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Pastoral Board, pursuant to the provisions of the Pastoral Land Management and Conservation Act 1989:

Member: (from 18 April 1999 until 17 April 2002)

Stephen John Mann
Dr Carolyn Ireland
Iris Iwanicki
Michael Philip McBride
Douglas Gordon Lillecrapp
Roger Barrington Wickes

Deputy Member: (from 18 April 1999 until 17 April 2002)

Allan Norman Holmes
Angela Perpetua Catherine Renfrey
Ali Ben Kahn
Andrew Donald McTaggart
Anthony James Williams
Meredith Rae Tothill

Presiding Member: (from 18 April 1999 until 17 April 2002)
Stephen John Mann

By command,
IAIN EVANS, for Premier

MEH 9/99CS

Department of the Premier and Cabinet
Adelaide, 15 April 1999

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Diana Vivienne Laidlaw, BA, MLC, Minister for Transport and Urban Planning, Minister for the Arts and Minister for the Status of Women to be also Acting Minister for Human Services for the period 15 April 1999 to 18 April 1999, inclusive, during the absence of the Honourable Dean Craig Brown, MRurSc, GradDipBusAdmin, MP.

By command,
IAIN EVANS, for Premier

MHS 05/98CS

Department of the Premier and Cabinet
Adelaide, 15 April 1999

HIS Excellency the Governor in Executive Council has been pleased to appoint Barry David Apsey to the position of Chief Executive, Emergency Services Administrative Unit, for a term of five years commencing on 27 April 1999, pursuant to section 9 (2) of the Public Sector Management Act 1995.

By command,
IAIN EVANS, for Premier

MPCE 009/98CS

Department of the Premier and Cabinet
Adelaide, 15 April 1999

HIS Excellency the Governor in Executive Council has been pleased to appoint Inspector Terry Harbour to the position of Chief Inspector, South Australia Police, pursuant to the provisions of the Constitution Act 1934 and section 10 of the Police Act 1952.

By command,
IAIN EVANS, for Premier

PCO 0003/99CS

Department of the Premier and Cabinet
Adelaide, 15 April 1999

HIS Excellency the Governor in Executive Council has noted the resignation by notice to the Attorney-General of Geoffrey Louis Muecke as a Deputy Member of the Legal Practitioners Conduct Board, pursuant to section 69 of the Legal Practitioners Act 1981.

By command,
IAIN EVANS, for Premier

ATTG 39/94TC1CS

COUNTRY FIRES ACT 1989

SECTION 35

Fire Danger Season

THE Country Fire Service hereby:

1. Fixes the closing date of the Fire Danger Season within the part of the State defined as the Adelaide Metropolitan Fire Ban District so as to end at midnight on 15 April 1999.

2. Fixes the closing date of the Fire Danger Season within the part of the State defined as the Lower South East Fire Ban District so as to end at midnight on 15 April 1999.

S. ELLIS, Chief Executive Officer

DEVELOPMENT ACT 1993, SECTION 27 (1): CITY OF ONKAPARINGA—WILLUNGA (DC) (METROPOLITAN) DEVELOPMENT PLAN—WILLUNGA 1997-2000 PLAN AMENDMENT

Preamble

The Minister for Transport and Urban Planning has approved the amendment entitled 'City of Onkaparinga—Willunga (DC) (Metropolitan) Development Plan—Willunga 1997-2000 Plan Amendment' (the Plan Amendment) and has referred it to the Governor.

NOTICE

PURSUANT to section 27 (1) of the Development Act 1993, I, the Governor with the advice and consent of the Executive Council, declare the Plan Amendment to be an authorised Plan Amendment and fix 15 April 1999 as the day on which it will come into operation.

Dated 15 April 1999.

E. J. NEAL, Governor

MTUP-PL 54/98CS

DEVELOPMENT ACT 1993, SECTION 27 (1): CITY OF HOLDFAST BAY—CONSOLIDATION AND PUBLIC NOTIFICATION PLAN AMENDMENT

Preamble

The Minister for Transport and Urban Planning has approved the amendment entitled 'City of Holdfast Bay—Consolidation and Public Notification Plan Amendment' (the Plan Amendment) and has referred it to the Governor.

NOTICE

PURSUANT to section 27 (1) of the Development Act 1993, I, the Governor with the advice and consent of the Executive Council, declare the Plan Amendment to be an authorised Plan Amendment and fix 15 April 1999 as the day on which it will come into operation.

Dated 15 April 1999.

E. J. NEAL, Governor

MTUP-PL 67/98CS

DEVELOPMENT ACT 1993: SECTION 46(1)

Preamble

Subsection (1) of section 46 of the Development Act 1993, allows the Minister for Transport and Urban Planning to apply that section to a specified kind of development or project if the Minister is of the opinion that a declaration under that section is appropriate or necessary for the proper assessment of development or a project of major environmental, social or economic importance.

NOTICE

PURSUANT to subsection (1) of section 46 of the Development Act 1993, being of the opinion that a declaration under Section 46 of that Act is appropriate for the proper assessment of development of major environmental, social and economic importance, I declare that section 46 of that Act applies to any development of a kind specified in Schedule 1.

DIANA LAIDLAW, Minister for Transport and Urban Planning

SCHEDULE 1

Area 1

1. Development of a private haul road from a magnesite mine site to the Leigh Creek rail terminal with associated ore storage, loading facilities and a new rail siding, within the area specified as Area 1 in Schedule 2.

Area 2

2. Development directly associated with the establishment and operation of a magnesium production plant, within the area specified as Area 2 in Schedule 2, including development of buildings, plant or structures for, or associated with, the handling, stockpiling or processing of magnesite ore, (without limiting the generality of the foregoing) including some or all of the following elements:

- (a) the development of a railway siding adjacent to the existing railway line, with associated ore unloading and storage facilities;
- (b) the processing of ore to remove impurities and render it suitable for electrolytic smelting to magnesium metal;
- (c) the production, casting and storage of magnesium alloys;
- (d) the storage and handling of materials used in the production process including a storage facility for hazardous materials with associated safety zones;
- (e) any development for the purposes of, or otherwise related to, stormwater, waste water or solid or liquid effluent management, treatment, storage or disposal, including the on-site disposal of solid wastes arising from an activity referred to in a preceding paragraph;
- (f) buildings used for administration, laboratories or other related activities or amenities within the area specified as Area 2 in Schedule 2.

3. Ancillary development associated with development within the ambit of Items 1 or 2 and located within Areas 1 and 2 respectively.

SCHEDULE 2

Area 1

An area in, or adjacent to, Leigh Creek bounded as follows:

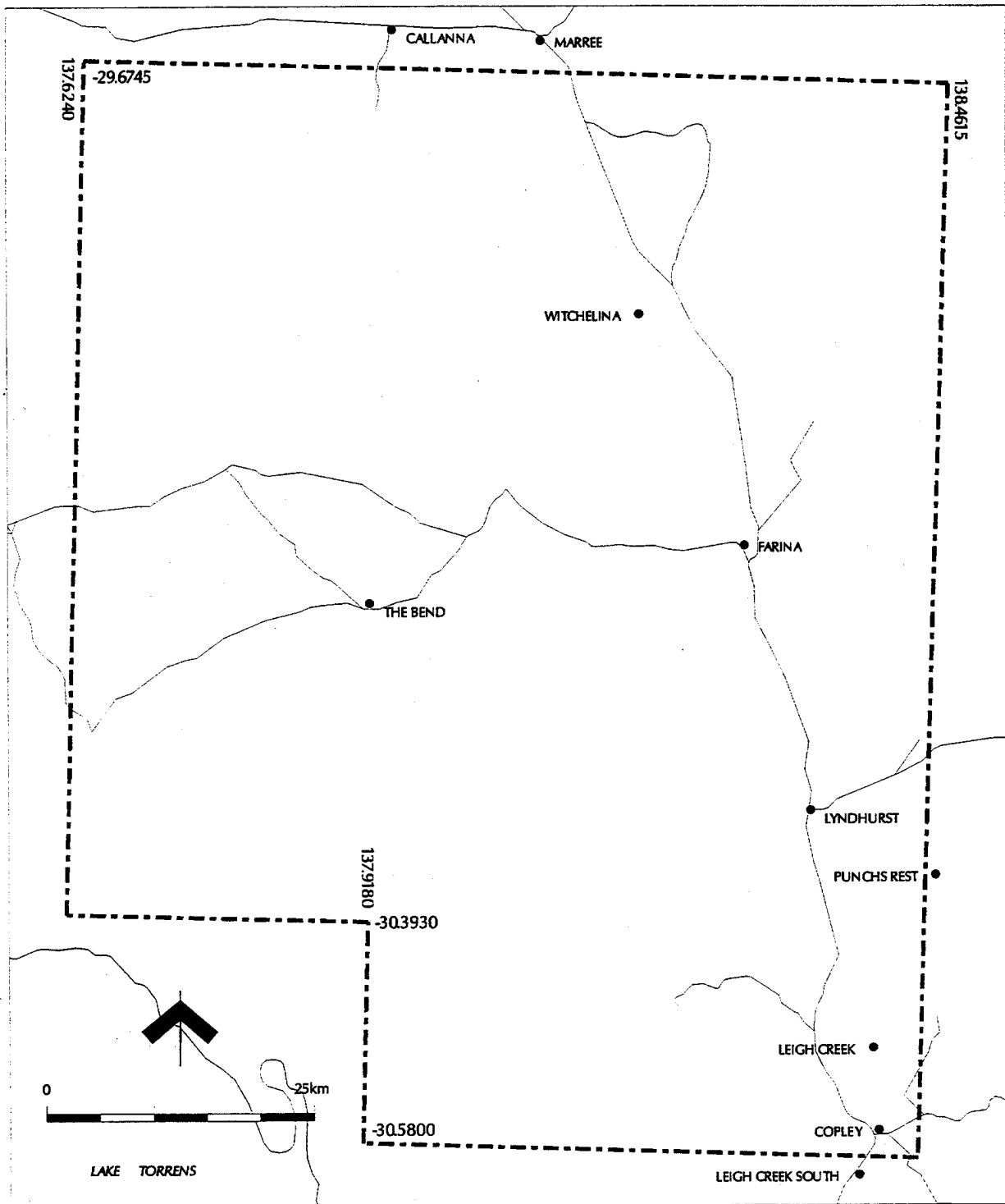
Commencing from a point defined by (decimal values of degrees of latitude and longitude) co-ordinates 137.6240E, -29.6745S a line in an easterly direction to a point 138.4615E, -29.6745S then in a southerly direction to a point 138.4615E, -30.5800S, then westerly to a point 137.9180E, -30.5800S, then northerly to a point 137.9180E, -30.3930S, then westerly to a point 137.6240E, -30.3930S, then northerly to the point of commencement. Schedule 3 depicts this area in the form of a map.

and

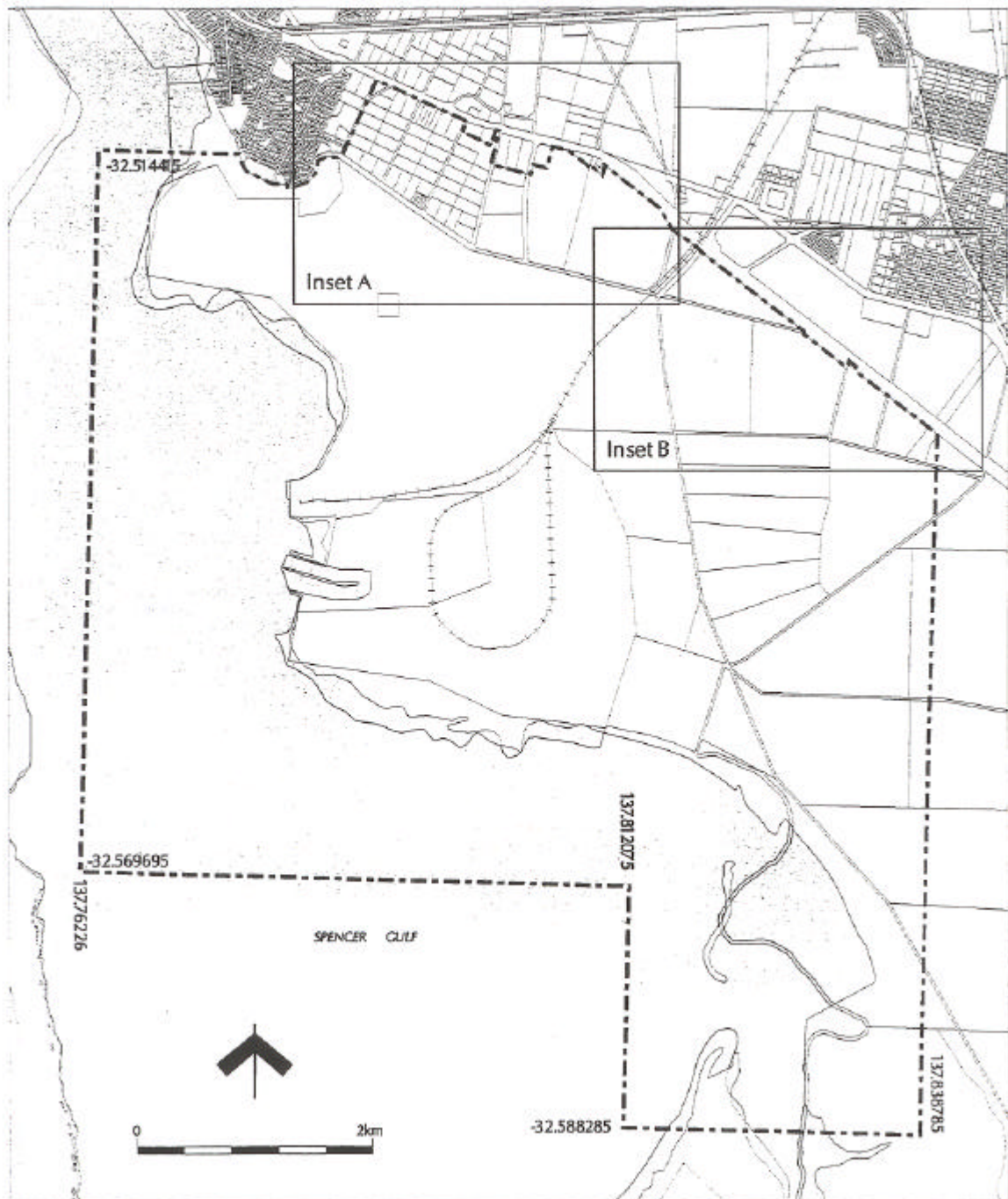
Area 2

An area in, or adjacent to, Port Augusta as shown on the attached maps of schedule 3:

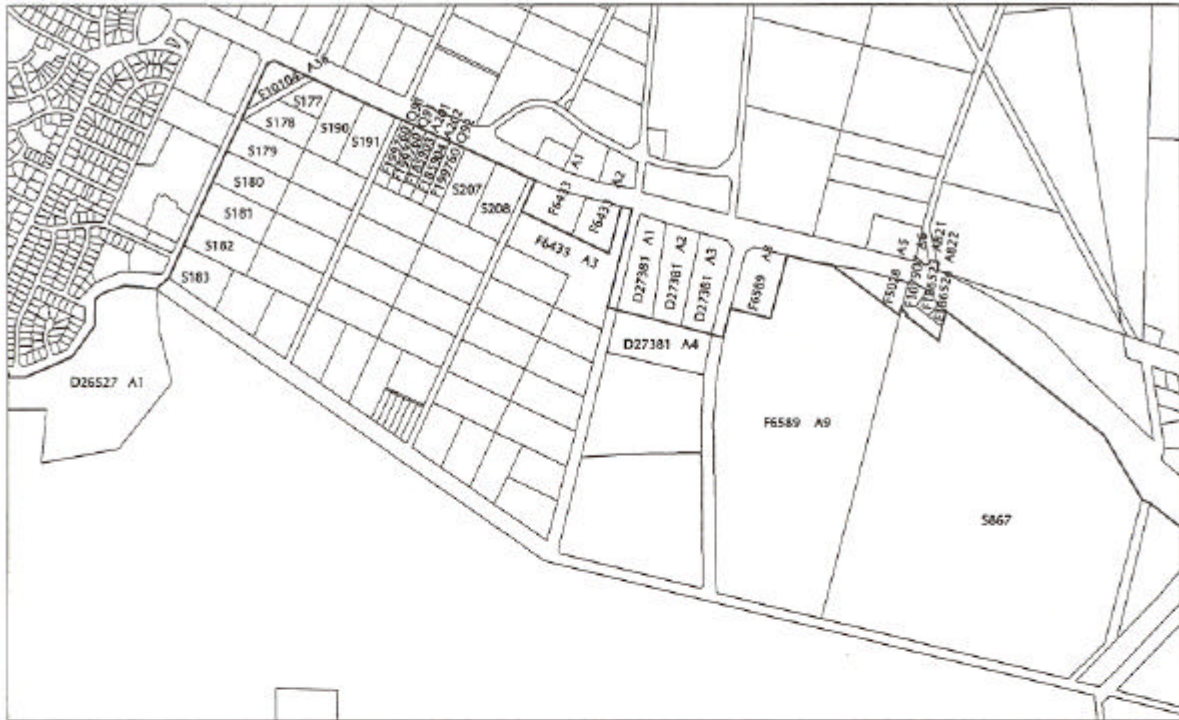
Area 1 Marree - Leigh Creek



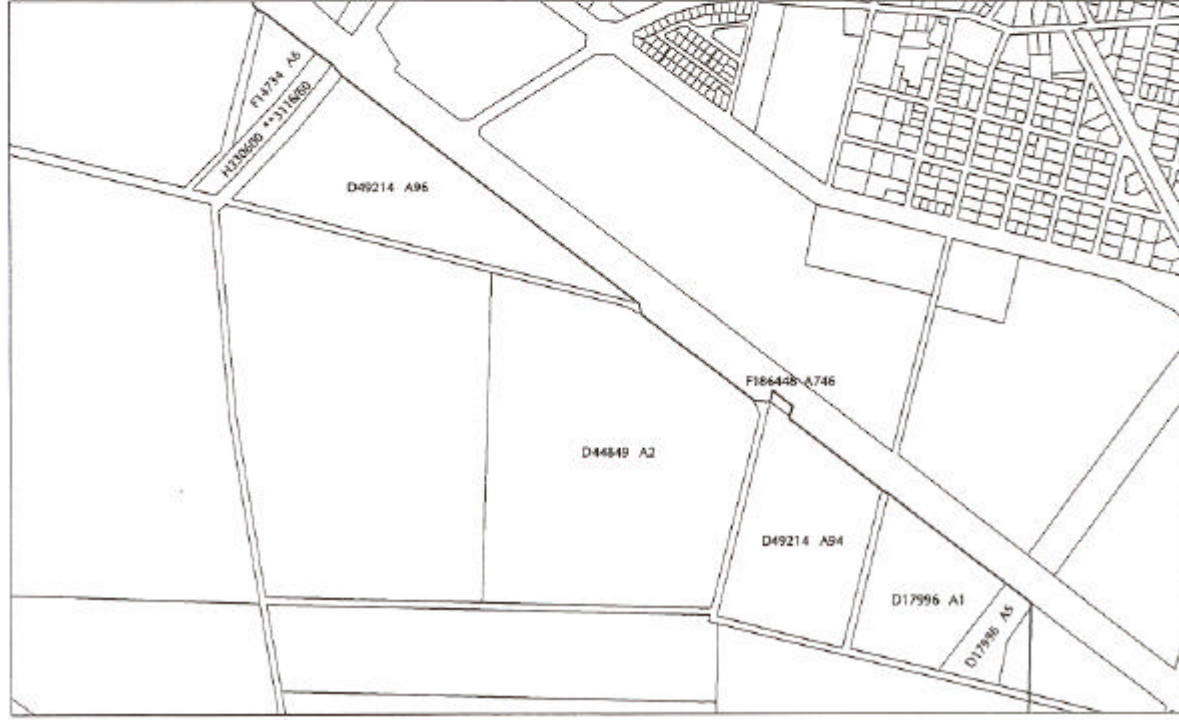
Area 2 Port Augusta



Inset A



Inset B



FAXING COPY?

IF you fax copy to Riverside 2000, for inclusion in the *Government Gazette*, there is **no need** to send a Confirmation Copy to us as well.

This creates confusion and may well result in your notice being printed **twice**.

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Phone Inquiries:	(08) 8207 1045

Please include a contact person, phone number and order number so that we can phone back with any queries we may have regarding the fax copy.

NOTE: Closing time for lodging new copy (either fax or hard copy) is 4 p.m. on Tuesday preceding the day of publication.

Government Gazette notices can now be E-mailed.

The address is:

govgaz@riv.ssa.sa.gov.au

Documents should be sent as attachments in Word format.

When sending a document via E-mail, please confirm your transmission with a faxed copy of your document, including the date the notice is to be published.

Fax transmission:	(08) 8207 1040
Enquiries:	(08) 8207 1045

BRANDS ACT, 1933-1983, FIRST QUARTER, 1999

The following statement of all horse and cattle, sheep and stud stock brands, distinctive brands and marks, sheep earmarks and firebrands registered, transferred and cancelled under the Brands Act, 1933-1983, for the quarter ended 31st March, 1999 and the names and addresses of their respective owners, is published in the form of the Twenty-third schedule for general information.

Stockowners whose names, addresses, brands or marks may be incorrectly stated are requested to notify the same to the Registrar and in all such notifications the registered brand of the owner, and the number of the certificate of registration must be given.

Any subsequent change of address must be notified at once to the Registrar.





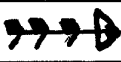
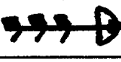



S. Watson
REGISTRAR OF BRANDS

REGISTRATIONS

HORSE & CATTLE BRANDS REGISTERED




Brand	Owner	Address
L87	LEA, J	GOOLWA
13H	COULTHARD, A F	PETERBOROUGH
<i>M</i> 10	PERRY, M A	PARADISE
590	O'LEARY, P J & J A	MALLALA
B43	BEJAH, A H & F	PARALOWIE

STUD STOCK BRANDS REGISTERED





Association	Brand or Mark	Owner	Address
WELSH PONY & COB SOCIETY OF AUSTRALIA INC.		GRAHAM, A M	STRATHALBYN
AUSTRALIAN WARBLOOD SPORT HORSE ASSOC.		HUGHES, A M	WYNN VALE
AUSTRALIAN MINIATURE PONY SOCIETY		SHINER, J R	ANGASTON
NATIONAL MINIATURE REGISTER INC.		SHINER, J R	ANGASTON
SHORTHORN SOCIETY OF AUSTRALIA	CAT	MILLER, C A	NARACOORTE
AUST. QUARTER HORSE ASSOC.		LAUDENBACH, K T	MT. BARKER
ARABIAN HORSE SOCIETY		LAUDENBACH, K T	MT. BARKER
AUSTRALIAN STUD BOOK	JSH	HARPER, J	REDWOOD PARK
S.A. THOROUGH BRED BREEDERS INC.		KING, L W & R E	MURRAY BRIDGE
AUST. QUARTER HORSE ASSOC.		KING, L W & R E	MURRAY BRIDGE
ARABIAN HORSE SOCIETY	HB	HARRIS, B S	GLENCOE
ARABIAN HORSE SOCIETY	PG	GOODES, T & L	OWEN
AUST. MINIATURE PONY SOCIETY	GH	SCHUTT, M F	DUBLIN
MINIATURE HORSE ASSOC. OF AUSTRALIA	GH	SCUTT, M F	DUBLIN
ARABIAN HORSE SOCIETY		SCOTT, C & D	BALAKLAVA

SHEEP BRANDS REGISTERED

Central District

Brand	Colour	Position	Owner	Address
	GREEN	1	G W & J E MANN FAMILY TRUST	MURRAY BRIDGE
	PURPLE	4	HAMPEL BROS.	KOONUNGA HILL
	RED	4	PARSONS, T & J J	ANGASTON
GH	RED	2	HUMPHRIES, G A & E A	WAROOKA
PG	PURPLE	2	GOODES, T M & L P	OWEN
RS	RED	2	SCHILLER, R M & L J	NURIOOTPA
— P	RED	4	R F G PROIR & SONS	HAMILTON
GH	GREEN	3	HEBART, C W & G M	MT. PLEASANT
IG	RED	4	INKERMAN GROWERS	FREELING

South East District



Brand	Colour	Position	Owner	Address
	RED	2	STASINOWSKY, G J & M P	KAROONDA
	GREEN	2	AGRICULTURAL CONSULTING ENTERPRISES	MONARTO SOUTH
	PURPLE	2	GALE, G B & J	MONARTO SOUTH
	BLUE	2	FIEBIG, T J, W C & M J	PALMER

SHEEP EARMARKS OR FIREBRANDS REGISTERED



South East District

Brand or Mark	Owner	Address
Y.Y.1.	PHILLIPS, R G, D U & M J	AVENUE RANGE

TRANSFERS**SHEEP BRANDS TRANSFERRED***Central District*

Brand	Colour	Position	Transferred from	Transferred to: Owner/Address
	GREEN	2	GALE, A C	AGRICULTURAL CONSULTING ENTERPRISES - MONARTO SOUTH
	GREEN	4	BAUM, G C	BAUM, S J - VICTOR HARBOR

South East District

Brand	Colour	Position	Transferred from	Transferred to: Owner/Address
L	PURPLE	1	CARROWKEEL ESTATE	LINDSAY, C R & J A - NARACOORTE
	RED	3	FITZGERALD, A	FITZGERALD, J L - MILLICENT
	BLUE	3	FITZGERALD, E S	FITZGERALD, S M - MILLICENT

SHEEP EARMARKS OR FIREBRANDS TRANSFERRED*Central District*

Brand or Mark	Transferred from	Transferred to: Owner/Address
Y.2.Q.3.	GALE, A C	AGRICULTURAL CONSULTING ENTERPRISES - MONARTO SOUTH

HORSE AND CATTLE BRANDS TRANSFERRED

Brand	Transferred from	Transferred to: Owner/Address
G50	GALE, A C	AGRICULTURAL CONSULTING ENTERPRISES - MONARTO SOUTH
I11	CORBY, B & D	CORBY, B A - FRANCES

CATTLE EARMARKS TRANSFERRED

Brand	Transferred from	Transferred to: Owner/Address
XJ.1.7.	GALE, A C	AGRICULTURAL CONSULTING ENTERPRISES - MONARTO SOUTH

CANCELLATIONS

SHEEP BRANDS CANCELLED


Central District

Brand	Colour	Position	Owner and Address	Applicant for Cancellation
L	PURPLE	3	LIPSCHINSKI, A H & K M - EUDUNDA	LIPSCHINSKI, K M
— P	PURPLE	2	PRIOR, R F G - HAMILTON	PRIOR, R F G

South East District

Brand	Colour	Position	Owner and Address	Applicant for Cancellation
HM	RED	1	H E & I M MANN & SONS - WYNARKA	MANN, H E

STUD STOCK BRANDS CANCELLED

Association	Brand or Mark	Owner and Address	Applicant for Cancellation
AUSTRALIAN WARMBLOOD SPORT HORSE ASSOCIATION	 AP	HUGHES, A M - WYNN VALE	HUGHES, A M

DEVELOPMENT ACT 1993

*Metropolitan Adelaide Industrial Land And
Development Plan Amendment Report Prepared by the
Minister
Draft for Public Consultation*

NOTICE is hereby given that the Minister for Transport and Urban Planning has, pursuant to sections 24 and 26 of the Development Act 1993, prepared a draft Plan Amendment Report to amend each Metropolitan Adelaide Development Plan.

The draft Plan Amendment Report will amend each Metropolitan Adelaide Development Plan by replacing Metropolitan Objective 27 (or its equivalent) with three new objectives to guide industrial land and development.

Copies of the draft Plan Amendment Report will be available for public inspection and purchase during normal office hours at the Department for Transport, Urban Planning and the Arts (Planning SA), Level 5, 136 North Terrace, Adelaide, or can be viewed on the Internet (<http://devplan.dhud.sa.gov.au>).

Alternatively, the draft Plan Amendment Report can be viewed during office hours at Metropolitan Council offices.

The draft Plan Amendment Report will be on display from 15 April 1999 to 18 June 1999. Written submissions regarding the draft Plan Amendment Report should be submitted no later than 5 p.m. on 18 June 1999. All submissions should be addressed to the Presiding Member, Development Policy Advisory Committee, G.P.O. Box 1815, Adelaide, S.A. 5001 and should clearly indicate whether you wish to be heard in support of your submission.

Copies of all submissions will be available for inspection by interested persons at the Department for Transport, Urban Planning and the Arts (Planning SA), Level 5, 136 North Terrace, Adelaide, from 21 June 1999 until the conclusion of the public hearing.

A public hearing will be held on 6 July 1999 at 7.30 p.m. in the Grosvenor Vista Hotel, 125 North Terrace, Adelaide, at which time interested persons may appear to be heard in relation to the draft Plan Amendment Report and the submissions. The public hearing will not be held if no submissions are received or if no submission makes a request to be heard.

If you would like further information about the PAR, please contact Steven Copus of Planning SA on telephone 8303 0659.

GLORIA HOLLAND-BOOKER, Secretary, Development
Policy Advisory Committee

FIREARMS ACT 1977

Recognised Firearms Club

I DECLARE the Adelaide Action and Service Pistol Club Incorporated, to be a recognised firearms club, pursuant to section 26A of the Firearms Act 1977.

Dated 27 March 1999.

ROBERT BROKENSHIRE, Minister for Police,
Correctional Services and Emergency
Services.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00084
(PREVIOUS LICENCE NO. F753)

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Page, P. S. and Page, D.
Lots 51 and 52 Esplanade
Nepean Bay
Kingscote, S.A. 5223,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

6. *Marking and Maintaining the Site*

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;
- 6.3 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
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. *Site Inspection and Supervision*

The licensee:

- 7.1 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
- 7.2 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.

8. *Fees and Returns*

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. Compliance With Relevant Laws

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
- 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
- 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. Public Risk Liability

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. Guarantee or Indemnity Scheme

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
- 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 15.4.2 an order is made for the winding up or liquidation of the licensee;
- 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
- 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 15.5.2 is convicted of an indictable offence.

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

16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;

- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. Waiver

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 21.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 10 March 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said P. S. PAGE and D. PAGE

In the presence of: P. SEXTON, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
739260E 6042050N 137°38'44" -35°44'10"	10
739305E 6042200N 137°38'45" -35°44'06"	
738705E 6042390N 137°38'21" -35°44'00"	
738660E 6042240N 137°38'20" -35°44'05"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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 $\frac{3}{4}$ 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 2¾ Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

*Racks**Longlines*

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

*Item 3¾ Stocking Rates**Oysters*

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

SCHEDULE 3

Item 1—Fees

Fee for period 1 January 1999 to 30 June 1999.

	\$
Environmental Monitoring Program 10 at \$20 each.....	100.00
SASQAP (Classified Area) 10 at \$37 each	185.00
Base Licence Fee	164.00
Fisheries Research and Development Corporation Levy	46.30
Total Annual Licence Fee	495.30

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982

MARINE FINFISH FARMING LICENCE FF00021
(PREVIOUS LICENCE NO. F1534)*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Navajo Pty Ltd
2/11 Flinders Highway
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.
- 5.5 must conduct an environmental monitoring program as set out in Schedule 5 of this licence.

6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in

writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

7. Location of Sea Cages

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

8. Marking and Maintaining the Site

The licensee:

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

9. Site Inspection and Supervision

The licensee:

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

10. Fees and Returns

The licensee:

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

11. Compliance With Relevant Laws

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
 - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
 - 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

12. Public Risk Indemnity

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

13. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

14. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

15. Guarantee or Indemnity Scheme

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

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

16. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

17. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
 - 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 17.4.2 an order is made for the winding up or liquidation of the licensee;

- 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
- 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 17.5.2 is convicted of an indictable offence.
- Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 18.8 time is of the essence in respect of any obligation relating to time in this licence.

19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

21. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

22. Waiver

- 22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

23. Notices

- 23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 23.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 10 March 1999.

G. MORGAN, Director of Fisheries

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

The Common Seal of Navajo Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. BYT, Director
L. BYT, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
679535E 6269531N 136°56'13" -33°41'56"	5
679686E 6269645N 136°56'19" -33°41'52"	
679797E 6269409N 136°56'24" -33°41'59"	
679640E 6269300N 136°56'18" -33°42'03"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.

- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.

or

- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

All seacages on the site must be marked with a unique seacage number and the site's unique 'F number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'F number'; that is the licence number.

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

- Snapper (*Pagrus auratus*)
- Australian Herring (Tommy Ruff) (*Arripis georgianus*)
- Yellowtail Kingfish (*Seriola lalandi*)

Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 5

Stocking Rates

The maximum standing stock on the site must not exceed 25 tonnes.

SCHEDULE 3

Item 1—Fees

Fees for period 1 January 1999 to 30 June 1999.

	\$
Base Licence Fee	279.00
Total Annual Licence Fee	279.00

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

- 1. Name of licensee.
- 2. Address of licensee.
- 3. Species of fish farmed and held on the site.
- 4. Location of aquaculture operation.
- 5. Period covered by return.

- 6. Number of life stage of each species of fish held.
- 7. Number, weight and value of each species of fish held.
- 8. Details of any disease detected in any fish kept.
- 9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
- 10. If any fish were brought into the state, the number of fish and the life stage of the fish.
- 11. If fish were brought into the state, the purpose for which they were brought in.
- 12. Method of disposal of water and packaging use for transporting the fish.
- 13. If any disease or symptom of disease occurred in the acquired fish.
- 14. Method of disposal of diseased or dead fish and the number disposed of.
- 15. Signature, date and telephone number.
- 16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

SCHEDULE 5

Approved Environmental Monitoring Program

An Environmental Monitoring Program for the site must comply with the relevant schedule of Guidelines for Licensing Discharges to the Marine Environment, November 1993, pursuant to the Environment Protection Act 1993.

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

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00004
(PREVIOUS LICENCE NO. F603)

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Australian Southern Bluefin Tuna Farmers Pty Ltd
Tuna Farmers Pty Ltd
P.O. Box 1240
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1998 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas

marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

7. *Location of Sea Cages*

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

8. *Marking and Maintaining the Site*

The licensee:

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

9. *Site Inspection and Supervision*

The licensee:

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

10. *Fees and Returns*

The licensee:

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

11. *Compliance With Relevant Laws*

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
 - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
 - 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

12. *Public Risk Indemnity*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

13. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

14. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

15. *Guarantee or Indemnity Scheme*

The licensee must either:

- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

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

16. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

17. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or
- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 17.4 if the licensee is a body corporate, any of the following occur:
 - 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 17.4.2 an order is made for the winding up or liquidation of the licensee;
 - 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
 - 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
 - 17.5.2 is convicted of an indictable offence.

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

18. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 18.1 any word importing the plural includes the singular and *vice versa*;
- 18.2 any wording importing a gender shall include all other genders;
- 18.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 18.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 18.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;

18.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;

18.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and

18.8 time is of the essence in respect of any obligation relating to time in this licence.

19. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

20. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

21. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

22. Waiver

22.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.

22.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.

22.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

23. Notices

23.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:

23.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);

23.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;

23.1.3 deemed to be duly served or made in the following circumstances:

(a) if delivered, upon delivery;

(b) if sending by mail, upon posting;

(c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,

but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

23.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 19 March 1999.

G. MORGAN, Director of Fisheries

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

The Common Seal of Australian Southern Bluefin Tuna Farmers Pty Ltd was hereunto affixed in the presence of:

(L.S.) D. LUKIN, Director
A. LUKIN, Secretary

The Common Seal of Tuna Farmers Pty Ltd was hereunto affixed in the presence of:

(L.S.) D. LUKIN, Director
A. LUKIN, Secretary

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
584541E 6156850N 135°55'24" -34°43'36"	20
584684E 6156480N 135°55'29" -34°43'48"	
584219E 6156303N 135°55'11" -34°43'54"	
584077E 6156673N 135°55'06" -34°43'42"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Sea Cages 10

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 430 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m².

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee 20 at \$126.70 each	2 534.00
Base Licence Fee 20 at \$321.34 each	6 426.80
Total Annual Licence Fee	8 960.80

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

- Name of licensee.
- Address of licensee.
- Species of fish farmed and held on the site.
- Location of aquaculture operation.
- Period covered by return.
- Number of life stage of each species of fish held.
- Number, weight and value of each species of fish held.
- Details of any disease detected in any fish kept.
- Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
- If any fish were brought into the state, the number of fish and the life stage of the fish.
- If fish were brought into the state, the purpose for which they were brought in.
- Method of disposal of water and packaging use for transporting the fish.
- If any disease or symptom of disease occurred in the acquired fish.
- Method of disposal of diseased or dead fish and the number disposed of.
- Signature, date and telephone number.
- Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00310
(PREVIOUS LICENCE NO. F1521)*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

West Coast Enterprises Pty Ltd
4 Eyre Street
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.
- 5.5 must conduct an environmental monitoring program as set out in Schedule 5 of this licence.

6. *Marking and Maintaining the Site*

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;

- 6.3 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
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. *Site Inspection and Supervision*

The licensee:

- 7.1 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
- 7.2 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.

8. *Fees and Returns*

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. *Compliance With Relevant Laws*

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
 - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
 - 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. *Public Risk Liability*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2

of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. *Guarantee or Indemnity Scheme*

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
 - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 15.4.2 an order is made for the winding up or liquidation of the licensee;
 - 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
 - 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
 - 15.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in

respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

16. *Interpretation*

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. *Delegation*

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. *Severance*

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. *Modification*

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. *Waiver*

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. *Notices*

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
 - 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
 - 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
 - 21.1.3 deemed to be duly served or made in the following circumstances:

- (a) if delivered, upon delivery;
 - (b) if sending by mail, upon posting;
 - (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

22. SASQAP

22.1 The licensee:

- 22.1.1 must submit to the Manager, South Australian Shellfish Quality Assurance Program ('SASQAP') for testing such sample as the Manager, SASQAP requires of the fish farmed at the site and specified in Item 1.1 of Schedule 2;
- 22.1.2 must comply with all reasonable requirements of the Manager, SASQAP in relation to such testing; and
- 22.1.3 must obtain the written consent of the Manager, SASQAP, prior to making any of the fish farmed at the site and specified in Item 1.1 of Schedule 2, available for human consumption.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 25 March 1999.

G. MORGAN, Director of Fisheries

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

The Common Seal of West Coast Enterprises Pty Ltd was hereunto affixed in the presence of:

(L.S.) D. HOCKADAY, Director
T. A. HOCKADAY, Secretary

SCHEDULE 1
Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
586831E 6154867N 135°56'54" -34°44'40"	5
586993E 6154686N 135°57'01" -34°44'46"	
586856E 6154535N 135°56'56" -34°44'50"	
586678E 6154708N 135°56'48" -34°44'45"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.

- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
 - (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
 - (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
 - (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
 - (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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^{3/4} 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*)

Item 1.1—Fish subject to SASQAP testing

Blue Mussels (*Mytilus edulis*)

Item 2^{3/4} Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Item 3^{3/4} Stocking Rates

Mussels

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

SCHEDULE 3

Item 1—Fees

Fees for period 1 January 1999 to 30 June 1999.

	\$
SASQAP (Under Classification)	657.14
Base Licence Fee	164.00
Total Annual Licence Fee.....	821.14

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

SCHEDULE 5

Approved Environmental Monitoring Program

An Environmental Monitoring Program for the site must comply with the relevant schedule of Guidelines for Licensing Discharges to the Marine Environment, November 1993, pursuant to the Environment Protection Act 1993.

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00098 (PREVIOUS LICENCE NO. F774)

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Colmion Pty Ltd
1 Brentwood Road
Stansbury, S.A. 5582,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and

- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. Marked-off Areas

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

3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. Permitted Use

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

5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

6. Marking and Maintaining the Site

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;
- 6.3 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
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. Site Inspection and Supervision

The licensee:

- 7.1 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
- 7.2 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.

8. Fees and Returns

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. Compliance With Relevant Laws

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
- 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
- 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. Public Risk Liability

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. Guarantee or Indemnity Scheme

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this

licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or

- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
- 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 15.4.2 an order is made for the winding up or liquidation of the licensee;
- 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
- 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 15.5.2 is convicted of an indictable offence.

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

16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. Waiver

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 21.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

22. SASQAP

- 22.1 The licensee:
- 22.1.1 must submit to the Manager, South Australian Shellfish Quality Assurance Program ('SASQAP') for testing such sample as the Manager, SASQAP requires of the fish farmed at the site and specified in Item 1.1 of Schedule 2;
- 22.1.2 must comply with all reasonable requirements of the Manager, SASQAP in relation to such testing; and
- 22.1.3 must obtain the written consent of the Manager, SASQAP, prior to making any of the fish farmed at the site and specified in Item 1.1 of Schedule 2, available for human consumption.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 12 March 1999.

G. MORGAN, Director of Fisheries

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

The Common Seal of Colmion Pty Ltd was hereunto affixed in the presence of:

(L.S.) M. DEE, Director

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area				Licensed Hectares
Zone 53				
758210E	6133881N	137°49'33"	-34°54'16"	10
758406E	6133840N	137°49'41"	-34°54'17"	
758302E	6133351N	137°49'37"	-34°54'33"	
758106E	6133392N	137°49'29"	-34°54'32"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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 1¾ 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 1.1—Fish subject to SASQAP testing

Pacific Oysters (*Crassostrea gigas*)

Item 2¾ Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Item 3¾ Stocking Rates

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

SCHEDULE 3

*Item 1—Fees**Item 2—Public Risk Insurance*

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

- Name of licensee.
- Address of licensee.
- Species of fish farmed and held on the site.
- Location of aquaculture operation.
- Period covered by return.
- Number of life stage of each species of fish held.
- Number, weight and value of each species of fish held.
- Details of any disease detected in any fish kept.
- Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
- If any fish were brought into the state, the number of fish and the life stage of the fish.
- If fish were brought into the state, the purpose for which they were brought in.
- Method of disposal of water and packaging use for transporting the fish.
- If any disease or symptom of disease occurred in the acquired fish.
- Method of disposal of diseased or dead fish and the number disposed of.
- Signature, date and telephone number.
- Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00005
(PREVIOUS LICENCE NO. F1704)*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Mark R. Gluis
16 Gothic Road
Bellevue Heights, S.A. 5050,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

- must not farm or introduce any species at the site other than the permitted species; and
- must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

- must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.
- must conduct an environmental monitoring program as set out in Schedule 5 of this licence.

6. *Marking and Maintaining the Site*

The licensee:

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

- 6.3 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
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. *Site Inspection and Supervision*

The licensee:

- 7.1 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
- 7.2 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.

8. *Fees and Returns*

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. *Compliance With Relevant Laws*

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
 - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
 - 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. *Public Risk Liability*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2

of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. *Guarantee or Indemnity Scheme*

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
 - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 15.4.2 an order is made for the winding up or liquidation of the licensee;
 - 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
 - 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
 - 15.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in

respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. Waiver

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
 - 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
 - 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
 - 21.1.3 deemed to be duly served or made in the following circumstances:
 - (a) if delivered, upon delivery;
 - (b) if sending by mail, upon posting;
 - (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number, but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

22. SASQAP

- 22.1 The licensee:
 - 22.1.1 must submit to the Manager, South Australian Shellfish Quality Assurance Program ('SASQAP') for testing such sample as the Manager, SASQAP requires of the fish farmed at the site and specified in Item 1.1 of Schedule 2;
 - 22.1.2 must comply with all reasonable requirements of the Manager, SASQAP in relation to such testing; and
 - 22.1.3 must obtain the written consent of the Manager, SASQAP, prior to making any of the fish farmed at the site and specified in Item 1.1 of Schedule 2, available for human consumption.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 16 March 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said M. R. GLUIS

In the presence of: H. GLUIS, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
586650E 6162105N 135°56'45" -34°40'45"	20
586935E 6161613N 135°56'56" -34°41'01"	
587242E 6161781N 135°57'08" -34°40'55"	
586958E 6162274N 135°56'57" -34°40'39"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
 - (2) Posts to be not less than 125 mm in diameter.
 - (3) Posts and crosses to be painted yellow.
 - (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
 - (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
 - (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
 - (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.

- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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 3/4 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*)
- Pacific Oysters (*Crassostrea gigas*)

Item 1.1—Fish subject to SASQAP testing

- Blue Mussels (*Mytilus edulis*)
- Pacific Oysters (*Crassostrea gigas*)

Item 2 3/4 Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Item 3 3/4 Stocking Rates

Oysters

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

Mussels

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

SCHEDULE 3

Item 1—Fees

	\$
SASQAP (Under Classification).....	657.14
Base Licence Fee	328.00
Total Annual Licence Fee.....	985.14

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

SCHEDULE 5

Approved Environmental Monitoring Program

An Environmental Monitoring Program for the site must comply with the general requirements for environmental monitoring specified in the notes to the Decision Notification Form issued for the site under Regulation 42 of the Development Regulations 1993.

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00134
(PREVIOUS LICENCE NO. F811)

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

I. C. and C. M. Otto
Part Section 143
Hundred of Lincoln
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. Marked-off Areas

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

3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. Permitted Use

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

5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

6. Marking and Maintaining the Site

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;
- 6.3 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
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. Site Inspection and Supervision

The licensee:

- 7.1 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

- 7.2 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.

8. Fees and Returns

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. Compliance With Relevant Laws

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
 - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
 - 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. Public Risk Liability

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. Guarantee or Indemnity Scheme

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
 - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 15.4.2 an order is made for the winding up or liquidation of the licensee;
 - 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
 - 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
 - 15.5.2 is convicted of an indictable offence.

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

16. *Interpretation*

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as

a matter of convenience and in no way affect the construction of this licence;

- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. *Delegation*

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. *Severance*

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. *Modification*

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. *Waiver*

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. *Notices*

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
 - 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
 - 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
 - 21.1.3 deemed to be duly served or made in the following circumstances:
 - (a) if delivered, upon delivery;
 - (b) if sending by mail, upon posting;
 - (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
 but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 25 March 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said IAN C. OTTO

In the presence of: CHRISTOPHER SCOTT AMBROSE, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
535186E 6176443N 135°23'00" -34°33'10"	2
535250E 6176368N 135°23'03" -34°33'13"	
535115E 6176248N 135°22'57" -34°33'17"	
535047E 6176322N 135°22'55" -34°33'14"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.

or

- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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 3/4 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 3/4 Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Item 3 3/4 Stocking Rates

Oysters

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

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 2 at \$20 each	40.00
SASQAP (Classified Area) 2 at \$37 each.....	74.00
Base Licence Fee	328.00
Fisheries Research and Development Corporation Levy	92.60
Total Annual Licence Fee.....	534.60

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

N. Guidera
12 Story Road
Cowell, S.A. 5602,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

6. *Marking and Maintaining the Site*

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;
- 6.3 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

- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. *Site Inspection and Supervision*

The licensee:

- 7.1 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
- 7.2 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.

8. *Fees and Returns*

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. *Compliance With Relevant Laws*

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
 - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
 - 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. *Public Risk Liability*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim

and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. *Guarantee or Indemnity Scheme*

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
 - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 15.4.2 an order is made for the winding up or liquidation of the licensee;
 - 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
 - 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
 - 15.5.2 is convicted of an indictable offence.

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

16. *Interpretation*

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. *Delegation*

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. *Severance*

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. *Modification*

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. *Waiver*

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. *Notices*

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
 - 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
 - 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
 - 21.1.3 deemed to be duly served or made in the following circumstances:
 - (a) if delivered, upon delivery;
 - (b) if sending by mail, upon posting;

(c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,

but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 25 March 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said NICHOLAS GUIDERA

In the presence of: TERRY REHN, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
674888E 6262155N 136°53'18" -33°45'58"	5.5
674870E 6262008N 136°53'17" -33°46'02"	
675486E 6261904N 136°53'42" -33°46'05"	
675503E 6262027N 136°53'42" -33°46'01"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.

or

- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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 3/4 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 3/4 Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Item 3 3/4 Stocking Rates

Oysters

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

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 5.5 at \$20 each	110.00
SASQAP (Classified Area) 5.5 at \$37 each.....	203.50
Base Licence Fee	328.00
Fisheries Research and Development Corporation Levy	92.60
Total Annual Licence Fee.....	734.10

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

- 1. Name of licensee.
- 2. Address of licensee.
- 3. Species of fish farmed and held on the site.
- 4. Location of aquaculture operation.
- 5. Period covered by return.
- 6. Number of life stage of each species of fish held.
- 7. Number, weight and value of each species of fish held.
- 8. Details of any disease detected in any fish kept.
- 9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
- 10. If any fish were brought into the state, the number of fish and the life stage of the fish.
- 11. If fish were brought into the state, the purpose for which they were brought in.
- 12. Method of disposal of water and packaging use for transporting the fish.
- 13. If any disease or symptom of disease occurred in the acquired fish.
- 14. Method of disposal of diseased or dead fish and the number disposed of.
- 15. Signature, date and telephone number.
- 16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

MARINE MOLLUSC FARMING LICENCE FM00068
(PREVIOUS LICENCE NO. F729)

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

G. M. and P. J. Owen
3 Hall Street
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

6. *Marking and Maintaining the Site*

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;

- 6.3 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

- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. *Site Inspection and Supervision*

The licensee:

- 7.1 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
- 7.2 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.

8. *Fees and Returns*

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. *Compliance With Relevant Laws*

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
 - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
 - 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. *Public Risk Liability*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or

property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. *Guarantee or Indemnity Scheme*

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
 - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 15.4.2 an order is made for the winding up or liquidation of the licensee;
 - 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:

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

15.5.2 is convicted of an indictable offence.

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

16. *Interpretation*

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. *Delegation*

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. *Severance*

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. *Modification*

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. *Waiver*

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
 - 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
 - 21.1.3 deemed to be duly served or made in the following circumstances:
 - (a) if delivered, upon delivery;
 - (b) if sending by mail, upon posting;
 - (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
 but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 25 March 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said G. M. and P. J. OWEN

In the presence of: S. W. THOMSON, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
537330E 6177300N 135°24'24" -34°32'42"	2
537230E 6177300N 135°24'20" -34°32'42"	
537230E 6177500N 135°24'20" -34°32'36"	
537330E 6177500N 135°24'24" -34°32'36"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
 - (2) Posts to be not less than 125 mm in diameter.
 - (3) Posts and crosses to be painted yellow.
 - (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
 - (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
 - (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
 - (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.

- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

Item 2—Marked-Off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

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

Item 2—Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Item 3—Stocking Rates

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

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 2 at \$20 each	40.00
SASQAP (Classified Area) 2 at \$37 each	74.00
Base Licence Fee	328.00
Fisheries Research and Development Corporation Levy	92.60
Total Annual Licence Fee	534.60

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

- 1. Name of licensee.
- 2. Address of licensee.
- 3. Species of fish farmed and held on the site.
- 4. Location of aquaculture operation.
- 5. Period covered by return.
- 6. Number of life stage of each species of fish held.
- 7. Number, weight and value of each species of fish held.
- 8. Details of any disease detected in any fish kept.

9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00181
(PREVIOUS LICENCE NO. F721)

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

A. Gregor and J. Wall
P.O. Box 75
Smoky Bay, S.A. 5680,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1998 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. Marked-off Areas

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

3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. Permitted Use

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

5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

6. Marking and Maintaining the Site

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;
- 6.3 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
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. Site Inspection and Supervision

The licensee:

- 7.1 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
- 7.2 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.

8. Fees and Returns

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. Compliance With Relevant Laws

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
 - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and

9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. Public Risk Liability

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. Guarantee or Indemnity Scheme

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or

15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or

15.4 if the licensee is a body corporate, any of the following occur:

- 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 15.4.2 an order is made for the winding up or liquidation of the licensee;
- 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or

15.5 if the licensee is an individual, the licensee:

- 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 15.5.2 is convicted of an indictable offence.

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

16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. *Waiver*

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. *Notices*

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
 - 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
 - 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
 - 21.1.3 deemed to be duly served or made in the following circumstances:
 - (a) if delivered, upon delivery;
 - (b) if sending by mail, upon posting;
 - (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
 but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 25 March 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said AIDAN GREGOR

In the presence of: KAYE GREGOR, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
395342E 6416865N 133°53'14" -32°22'48"	4.5
395447E 6416857N 133°53'18" -32°22'48"	
395417E 6416433N 133°53'17" -32°23'02"	
395311E 6416441N 133°53'13" -32°23'02"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.

or

- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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 ¾ 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 ¾ Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Item 3 ¾ Stocking Rates

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

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 1 at \$20 each.....	20.00
SASQAP (Classified Area) 1 at \$37 each.....	37.00
Base Licence Fee.....	328.00
Fisheries Research and Development Corporation Levy.....	92.60
Total Annual Licence Fee	477.60

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00024
(PREVIOUS LICENCE NO. F517)

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Terry Rehn
19 Second Street
Cowell, S.A. 5602,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. Marked-off Areas

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

3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. Permitted Use

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

5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

6. Marking and Maintaining the Site

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;
- 6.3 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
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. Site Inspection and Supervision

The licensee:

- 7.1 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
- 7.2 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.

8. Fees and Returns

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. Compliance With Relevant Laws

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices,

orders or requirements lawfully given or made by any authority or authorities in respect of the site;

9.2 in particular, without derogating from the general requirement under condition 9 of this licence:

9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and

9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. Public Risk Liability

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. Guarantee or Indemnity Scheme

The licensee must either:

13.1 provide a guarantee from its bankers; or

13.2 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.

14. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or

15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or

15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or

15.4 if the licensee is a body corporate, any of the following occur:

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

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

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

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

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

15.5 if the licensee is an individual, the licensee:

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

15.5.2 is convicted of an indictable offence.

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

16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

16.1 any word importing the plural includes the singular and *vice versa*;

16.2 any wording importing a gender shall include all other genders;

16.3 a reference to a body corporate shall include a natural person and *vice versa*;

16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;

16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;

16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;

16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and

16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. Waiver

20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.

20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.

20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. Notices

21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:

21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);

21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;

21.1.3 deemed to be duly served or made in the following circumstances:

(a) if delivered, upon delivery;

(b) if sending by mail, upon posting;

(c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,

but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 25 March 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said TERRY REHN

In the presence of: N. DOLPHIN, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area				Licensed Hectares
Zone 53				
675954E	6262173N	136°54'00"	-33°45'56"	5.4
675976E	6261987N	136°54'00"	-33°46'03"	
676471E	6262317N	136°54'19"	-33°45'52"	
676448E	6262441N	136°54'19"	-33°45'47"	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

(a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.

(2) Posts to be not less than 125 mm in diameter.

(3) Posts and crosses to be painted yellow.

(4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.

(5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.

(6) All buoys, posts, crosses and markers must be maintained in good condition.

or

(b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.

(2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.

(3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).

(4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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^{3/4} 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^{3/4} Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Item 3^{3/4} Stocking Rates

Size (mm)	Number per Hectare
3	2 500 000
10	1 600 000
20	1 100 000

30	750 000
40	500 000
50	350 000
60	200 000
70	150 000
80	100 000

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 5.4 at \$20 each....	108.00
SASQAP (Classified Area) 5.4 at \$37 each.....	199.80
Base Licence Fee.....	328.00
Fisheries Research and Development Corporation Levy.....	92.60
Total Annual Licence Fee	728.40

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00023
(PREVIOUS LICENCE NO. F516)

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Michael D. Rehn
P.O. Box 69
Cowell, S.A. 5602,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for

the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. Marked-off Areas

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

3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. Permitted Use

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

5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

6. Marking and Maintaining the Site

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;
- 6.3 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
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. Site Inspection and Supervision

The licensee:

- 7.1 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
- 7.2 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.

8. Fees and Returns

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. Compliance With Relevant Laws

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
 - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
 - 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. Public Risk Liability

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. Guarantee or Indemnity Scheme

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
 - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 15.4.2 an order is made for the winding up or liquidation of the licensee;
 - 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
 - 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
 - 15.5.2 is convicted of an indictable offence.

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

16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;

- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. Waiver

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 21.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number, but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 25 March 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said M. D. REHN

In the presence of: L. M. KING, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area		Licensed Hectares
Zone 53		
674296E	6263004N	136°52'54" -33°45'31"
674441E	6262447N	136°53'01" -33°45'48"
674569E	6262475N	136°53'05" -33°45'48"
674426E	6263032N	136°53'00" -33°45'30"
		5.4

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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^{3/4} 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^{3/4} Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Item 3¾ Stocking Rates

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

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 5.4 at \$20 each....	108.00
SASQAP (Classified Area) 5.4 at \$37 each.....	199.80
Base Licence Fee.....	328.00
Fisheries Research and Development Corporation Levy.....	92.60
Total Annual Licence Fee.....	728.40

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

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

Oyster Traders Pty Ltd
P.O. Box 90
Cowell, S.A. 5602,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 January 1999 and ending, subject to any earlier termination under this licence, on 30 June 1999 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00018
(PREVIOUS LICENCE NO. F509)

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

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the

6. *Marking and Maintaining the Site*

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 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;
- 6.3 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
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. *Site Inspection and Supervision*

The licensee:

- 7.1 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
- 7.2 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.

8. *Fees and Returns*

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 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.

9. *Compliance With Relevant Laws*

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
 - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
 - 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. *Public Risk Liability*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

11. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

12. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

13. *Guarantee or Indemnity Scheme*

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 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.

14. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

15. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
 - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 15.4.2 an order is made for the winding up or liquidation of the licensee;
 - 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or

- 15.5 if the licensee is an individual, the licensee:
- 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 15.5.2 is convicted of an indictable offence.

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

16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. Waiver

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell

Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);

- 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 21.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,

but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 2 April 1999.

G. MORGAN, Director of Fisheries

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

The Common Seal of Oyster Traders Pty Ltd was hereunto affixed in the presence of:

(L.S.) S. M. TONKIN, Director
GRAEME TONKIN, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area				Licensed Hectares
Zone 53				
676819E	6262688N	136°54'33"	-33°45'39"	5
676882E	6262658N	136°54'35"	-33°45'40"	
676678E	6262306N	136°54'28"	-33°45'52"	
676523E	6262380N	136°54'21"	-33°45'49"	
676622E	6262561N	136°54'25"	-33°45'43"	
676718E	6262515N	136°54'29"	-33°45'45"	

All structures, equipment, buoys and floatations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) At distances not exceeding 50 m between the corner spar buoys, yellow spherical buoys not less than 300 mm in diameter.
- (3) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).

- (4) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

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 1¾ Permitted Species

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

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

Item 2¾ Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

Racks
Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 5 m from any other unit.

Item 3¾ Stocking Rates

Oysters

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

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 5 at \$20 each.....	100.00
SASQAP (Classified Area) 5 at \$37 each.....	185.00
Base Licence Fee.....	328.00
Fisheries Research and Development Corporation Levy.....	92.60
Total Annual Licence Fee	705.60

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.

3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982: SECTION 53

TAKE notice that the licence to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, on page number 1197, dated 3 March 1999, being the second notice on that page, referring to Oyster Traders Pty Ltd, is hereby revoked.

Dated 9 April 1999.

G. MORGAN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that those registered processors listed in Schedule 1 in the State of South Australia (hereinafter referred to as the 'processors') are exempted from the provisions of section 44 (2) (a) of the Fisheries Act 1982 subject to the conditions specified in Schedule 2 in that the processors shall not be guilty of being in possession of undersized greenlip abalone (*Haliotis laevis*).

SCHEDULE 1

- Western Abalone Processors Pty Ltd
- Eyrewoolf Enterprises
- SAFCOL Australia Pty Ltd
- Southern Ocean Rock Lobster Pty Ltd
- Australian Southern Seafood
- Dover Fisheries Pty Ltd
- Australian Bight Seafood Pty Ltd
- Blancheport Fisheries

SCHEDULE 2

1. The processors may only receive and process undersized greenlip abalone (*Haliotis laevis*) which is supplied by a nominated master of a Western Zone Abalone Fishery licence issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991.

2. The processors may only receive and process undersized greenlip abalone (*Haliotis laevis*) providing it is not less than 125 mm in length at its greatest dimension.

3. This exemption is only valid for the period 26 April 1999 to 10 May 1999.

4. The processors must immediately upon receiving a consignment of undersized greenlip abalone (*Haliotis laevis*) pursuant to this notice, advise PIRSA Fisheries Compliance on 1800 065 522.

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

6. While in possession of undersized greenlip abalone (*Haliotis laevis*), the processors must be in possession of a copy of this

notice. Such notice must be produced to a Fisheries Compliance Officer if such an officer requests that it be produced.

Dated 12 April 1999.

G. MORGAN, Director of Fisheries

98/0605

FISHERIES ACT 1982: SECTION 59

TAKE notice that the class of persons described in Schedule 1 (hereinafter referred to as the 'fisher') is exempted from section 43 notice published in the South Australian *Government Gazette* on 2 October 1997 and the provisions of regulation 23 (2a) (b) of the Fisheries (General) Regulations 1984, subject to the conditions specified in Schedule 2, in that the fisher shall not be guilty of taking blacklip abalone (*Haliotis rubra*) and undersized greenlip abalone (*Haliotis laevigata*) from those waters specified in Schedule 3.

SCHEDULE 1

Any person being the nominated master of a Western Zone Abalone Fishery Licence issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991.

SCHEDULE 2

1. The fisher may only take blacklip abalone (*Haliotis rubra*) providing that it is not less than 130 mm in length at its greatest dimension. All blacklip abalone taken pursuant to this notice must be deducted from the existing blacklip abalone quota.

2. The fisher may only take greenlip abalone (*Haliotis laevigata*) providing that it is not less than 125 mm in length or greater than 145 mm in length at its greatest dimension.

3. Abalone taken pursuant to this exemption may only be consigned to a South Australian registered abalone fish processor pursuant to Western Zone Abalone Fishery Licence Condition 29.

4. No more than 450 kg live weight (in shell) of greenlip abalone (*Haliotis laevigata*) per Western Zone Abalone Fishery Licence may be taken pursuant to this notice.

5. All greenlip abalone taken pursuant to this exemption must be landed in the shell and delivered to a fish processing premises in the shell.

6. The fisher may only engage in the taking of undersized greenlip abalone (*Haliotis laevigata*) from 0800 hours on 26 April 1999 to 1600 hours on 9 May 1999.

7. The fisher must notify PIRSA Fisheries Compliance on 1800 244 317 prior to engaging in fishing each day and provide the name of the person making the call, the applicable licence number and nominate Waterloo Bay as the fishing area.

8. The fisher shall not take any greenlip abalone from waters outside of Waterloo Bay whilst abalone taken from Waterloo Bay are on board the boat.

9. The fisher 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.

10. While engaging in the permitted activity, the fisher must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Compliance Officer if such an officer requests that it be produced.

SCHEDULE 3

South Australian coastal marine waters of Waterloo Bay.

Dated 12 April 1999.

G. MORGAN, Director of Fisheries

98/0605

GEOGRAPHICAL NAMES ACT 1991

Corrigendum

IN notice appearing in *Government Gazette*, 25 March 1999 at page 1464 under the heading of:

GEOGRAPHICAL NAMES ACT 1991

Notice of Intention to Boundaries and Names to Places

1. The proposed rural locality of Rouges Point should be Rogues Point.

2. The proposed rural locality of Ramsey should be Ramsay.

3. The proposed rural locality of James Wells should be James Well.

4. The proposed rural locality of Couches Beach should be Couch Beach.

Dated 13 April 1999.

P. M. KENTISH, Surveyor-General, Department for Administrative and Information Services

DENR 04/0058

HARBORS AND NAVIGATION ACT 1993

Determination of State Crewing Committee

THE following determination made on 29 August 1996 by the State Crewing Committee is published pursuant to part 6, section 45 of the Harbors and Navigation Act 1993.

DIANA LAIDLAW, Minister for Transport and Urban Planning.

DOT MS 15427/96

HARBORS AND NAVIGATION ACT 1993

Determination of State Crewing Committee in respect of the S.Y. 'Gina'

THE following determination is made by the State Crewing Committee pursuant to part 6, section 45 of the Harbors and Navigation Act 1993, in respect of the *Gina* whilst operating within the designated limits of Emu Bay.

Minimum complement

One person—Master

Minimum Qualification of Crew

Master—Certificate of Competency as Coxswain and has successfully completed an approved Elements of Shipboard Safety and Restricted Radio Telephony courses.

CAPT. W. J. STUART, Presiding Member, State Crewing Committee.

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994

Exemption

TAKE notice that, pursuant to section 23(3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Kenneth Trevor Griffin, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23(2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

Gary Mervyn Walker, an officer/employee of Delfin Realty Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5085, folio 383 situated at Unit 12/28 Linwood Court, Wynn Vale, S.A. 5127.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs.

Dated 9 April 1999.

H. J. GILMORE, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994

Exemption

TAKE notice that, pursuant to section 23(3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Kenneth Trevor Griffin, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23(2) of the Act in relation to the purchase of the business specified in Schedule 2.

SCHEDULE 1

Ann Owen, an officer/employee of Ann Owen Real Estate Pty Ltd.

SCHEDULE 2

The business known as The Indoor Garden situated at Dawson Street, Strathalbyn, S.A. 5255.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs.

Dated 9 April 1999.

H. J. GILMORE, Commissioner

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Kapinga Pty Ltd (ACN 080 878 039) c/o Wallmans solicitors, 173 Wakefield Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for a Special Circumstances Licence with Extended Trading Authorisation and Entertainment Consent in respect of premises situated at Shop 2051A Westfield Shopping Town Marion, S.A. 5043 and to be known as Charlton's Pool Lounge.

The application has been set down for hearing on 14 May 1999.

Conditions

The following licence conditions are sought:

1. The licence shall authorise the sale, supply and consumption of liquor on the licensed premises, but no liquor shall be sold or supplied for consumption off the licensed premises.
2. Liquor shall only be sold or supplied to or consumed by persons who are about to, in the process of or who have played a cue sport at the licensed premises, or persons accompanying those persons.
3. The hours of operation of the premises including Entertainment consent shall be Monday to Sunday, 10 a.m. to 3 a.m. the following day.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 30 March 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Frank Pinneri, 9 Hakea Street, Mount Gambier, S.A. 5290 has applied to the Licensing Authority for a Wholesale Liquor Merchant's Licence in respect of premises situated at 9 Hakea Street, Mount Gambier, S.A. 5290 and known as Frank Pinneri.

The application has been set down for hearing on 14 May 1999.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the

Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 31 March 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application for Variation to Conditions of Licence and Grant of a Gaming Machine Licence

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Brendan Montgomerie Boylan, 95 Main Street, Lobethal, S.A. 5241 has applied to the Liquor and Gaming Commissioner for a Variation to an Extended Trading Authorisation and a grant of a Gaming Machine Licence in respect of premises situated at 95 Main Street, Lobethal, S.A. 5241 and known as Rising Sun Hotel.

The applications have been set down for hearing on 14 May 1999.

Condition

The following licence condition is sought:

1. Variation to an Extended Trading Authorisation to include the Lounge area and the proposed Gaming Machine area.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 7 April 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that George Douglas Frank Govan has applied to the Licensing Authority for an Extended Trading Authorisation under the Hotel Licence in respect of the premises situated at Main South Road, Sellicks Hill and known as Hotel Victory.

The application has been set down for hearing on 14 May 1999 at 9 a.m.

Conditions

The following licence conditions are sought:

1. For on premises consumption for the whole of the licensed premises from midnight to 1 a.m. the following day from Monday to Saturday nights inclusive; from 9 a.m. to 11 a.m. and from 8 p.m. to midnight on Sundays, and from midnight to 2 a.m. on Christmas Day.
2. Occasional low scale entertainment for functions and special occasions are proposed.
3. For off premises consumption for the whole of the licensed premises on Sunday (not being Christmas Day) from 9 a.m. to 11 a.m. and from 8 p.m. to 9 p.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 6 April 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Bump Pty Ltd (ACN 072 401 284), c/o Iuliano Pannunzio & Co., 100 Rundle Street, Kent Town, S.A. 5067 has applied to the Licensing Authority for the grant of an Entertainment Venue Licence in respect of premises situated at 20 Waymouth Street, Adelaide and known as Caffè Domino.

The application has been set down for hearing on 14 May 1999.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 8 April 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Cleco Nominees No. 256 Pty Ltd (ACN 086 466 524), 208 Carrington Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for the transfer of a Hotel Licence and the Gaming Machine Licence in respect of premises situated at Coffin Bay, S.A. 5607 and known as Coffin Bay Hotel-Motel.

The application has been set down for hearing on 14 May 1999.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 7 April 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Black Diamond Billiards and Bar Pty Ltd (ACN 086 957 440), c/o Wallmans Solicitors, 173 Wakefield Street, Adelaide, S.A. 5000 has applied to the Licensing authority for the grant of a Special Circumstances Licence with Extended Trading Authorisation and Entertainment Consent in respect of premises situated at 1st Floor, 168-172 St Vincent Street, Port Adelaide, S.A. 5015 and to be known as Black Diamond Billiards and Bar.

The application has been set down for hearing on 14 May 1999 at 9 a.m.

Conditions

The following licence conditions are sought:

1. The licence shall authorise the sale, supply and consumption of liquor on the licensed premises between the hours of noon on any day and 1 a.m. on the mornings following Sunday to Wednesday (inclusive); 3 a.m. on the mornings following Thursday to Saturday (inclusive), but no liquor shall be sold or supplied for consumption off the licensed premises.

2. Liquor shall only be sold or supplied to or consumed by persons who are about to, in the process of or who have played a cue sport at the licensed premises, or persons accompanying those persons.

3. Entertainment consent is to apply during the hours referred to in paragraph 1.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 8 April 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Gary John Hutchinson and Maria Elizabeth Ann Hutchinson, 20 Lyndon Road, Paralowie, have applied to the Licensing Authority for the transfer of a Hotel Licence in respect of premises situated at Main Street, Brinkworth and known as the Junction Hotel.

The application has been set down for hearing on 18 May 1999.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 7 April 1999.

Applicants

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Barci Nominees Pty Ltd (ACN 087 010 722), c/o Knox & Hargrave, Lawyers, 25 Grenfell Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at corner main South Road and Pimpala Road, Reynella, S.A. 5161 and known as Fasta Pasta Reynella.

The application has been set down for hearing on 18 May 1999.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Impvoz Pty Ltd (ACN 086 876 039), c/o Knox & Hargrave, Lawyers, 25 Grenfell Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 305-319 Commercial Road, Port Adelaide, S.A. 5015 and known as Fasta Pasta Port Adelaide.

The application has been set down for hearing on 18 May 1999.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Applicant

MINING ACT 1971

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971, that an application for a mining lease over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Earthbit Pty Ltd
 Claim No.: 3094
 Location: Section 856, Hundred of Naracoorte, 4 km south of Naracoorte and Lucindale.
 Purpose: For the recovery of sand.
 Ref. D.M.E. No.: T2136

A copy of the proposal has been provided to the District Council of Naracoorte and Lucindale.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 14 May 1999.

L. JOHNSTON, Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Primary Industries, Natural Resources and Regional Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Minotaur Gold NL (50%) and Gawler Gold and Mineral Exploration NL (50%)

Location: Koonamore area—Approximately 110 km north-east of Peterborough, bounded as follows: Commencing at a point being the intersection of latitude 32°00'S and longitude 139°22'E, thence east to longitude 139°30'E, south to latitude 32°13'S, west to longitude 139°22'E and north to the point of commencement, all the within latitudes and longitudes being geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated 6 October 1966.

Term: 1 year
 Area in km²: 302
 Ref. D.M.E. No.: 004/1999

L. JOHNSTON, Mining Registrar, Department of
 Primary Industries and Resources

MOTOR VEHICLES ACT 1959

Recognised Historical Motor Vehicle Club

NOTICE is hereby given that the undermentioned club is recognised as an historic motor vehicle club in accordance with Schedule 1, clause 3 (3) (a) of the Motor Vehicles Regulations, for the purposes of section 25 of the Motor Vehicles Act 1959:

Modified Mini Car Club of South Australia Incorporated.

Dated 31 March 1999.

R. J. FRISBY, Registrar of Motor Vehicles

MOTOR VEHICLES ACT 1959

Recognised Historical Motor Vehicle Club

NOTICE is hereby given that the undermentioned club is recognised as an historic motor vehicle club in accordance with Schedule 1, clause 3 (3) (a) of the Motor Vehicles Regulations, for the purposes of section 25 of the Motor Vehicles Act 1959:

Ford F100 Club of Australia Inc.

Dated 31 March 1999.

R. J. FRISBY, Registrar of Motor Vehicles

RADIATION PROTECTION AND CONTROL ACT 1982

Section 44

TAKE notice that subject to the conditions appearing in the schedule, any person who has been authorised to conduct *in vivo* research involving the use of ionizing radiation on a human being at the Repatriation General Hospital ('the Hospital') is exempt from Regulations 60, 61 and 62 of the Ionizing Radiation Regulations 1985, made under the Radiation Protection and Control Act 1982.

THE SCHEDULE

1. Such person shall only be exempted if the Research and Ethics Committee ('the Committee') of the Hospital has considered and approved such research, and the exemption is limited to the extent specifically approved by the Committee.

2. Such person so exempted shall have provided the following written details to the Committee for consideration at the time of making an application for approval of such research:

- (a) full details of the research the applicant intends to undertake;
- (b) the reasons why it is necessary to expose a person to ionizing radiation for the purposes of the research;
- (c) the number of persons who may be exposed to ionizing radiation in the course of such research;
- (d) the extent to which such persons may be exposed;
- (e) the possible benefits of the research to the community;
- (f) the steps the applicant intends to take to monitor the levels of ionizing radiation to which such persons may be exposed; and
- (g) the precautions that the applicant will be taking to keep such exposure to a minimum.

3. In considering whether or not to approve an application of research by a person seeking exemption under this notice, the Committee shall have regard to:

- (a) the levels of ionizing radiation to which any person may be exposed;
- (b) the number of persons who may be exposed;
- (c) the steps to be taken by the applicant to monitor radiation levels;
- (d) the steps to be taken by the applicant to keep such exposure to a minimum;
- (e) the purpose of the research;
- (f) the possible benefits of the research to the community;
- (g) the risk, if any, to the health of the community that may be caused by the research;
- (h) the general objective as specified in section 23 of the Radiation Protection and Control Act 1982; and
- (i) the National Health and Medical Research Council's statement Administration of Ionizing Radiation to Human Subjects in Medical Research (1984), published

as Appendix XXXIX to the Report of the 98th Session of the Council, October 1984, and as subsequently amended from time to time.

4. At any meeting of the Committee that has approved an application for research, by a person seeking exemption under this notice, John Cormack of Flinders Medical Centre shall have been present either as a member of, or as an adviser to, the Committee.

5. The Hospital shall notify the South Australian Health Commission in writing of its approval of any such application. Such notification shall be made within 7 days of the approval being given and shall contain full details of the research to be undertaken.

6. Any research undertaken by a person exempted under this notice shall be conducted so as to ensure that estimates of the effective dose to any individual subject in any one year shall not exceed the following values:

- (a) in the case of a person whose age is less than 2 years—0.1 millisievert;
- (b) in the case of a person whose age is between 2 years and 18 years—0.5 millisievert; and
- (c) in any other case—5 millisieverts.

PROF. B. KEARNEY, Executive Director,
Statewide Division, Department of
Human Services

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Clovelly Avenue, Royal Park

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the CITY OF CHARLES STURT proposes to make a Road Process Order to close and transfer to Anastasios Petridis and Angeliki Petridis an irregularly-shaped portion of the public road (Clovelly Avenue) adjoining the south-western boundary of allotment 303 on Deposited Plan 51551, as more particularly delineated and lettered 'A' on Preliminary Plan No. PP32/0431.

A copy of the plan and a statement of persons affected are available for public inspection at the office of the Council at 72 Woodville Road, Woodville, S.A. 5011 and the Adelaide Office of the Surveyor-General during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Council at P.O. Box 1, Woodville, S.A. 5011 WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor-General at G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 15 April 1999.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Barrpowell Road, Welland

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the CITY OF CHARLES STURT proposes to make a Road Process Order to close and transfer to The Society of Saint Hilarion Inc. an irregularly-shaped portion of the public road (Barrpowell Road) adjoining the southern boundary of allotment 21 in Deposited Plan 15563 and eastern boundaries of allotment 8 in Deposited Plan 11092, as more particularly delineated and lettered 'A' and 'B' (respectively) on Preliminary Plan No. PP32/0432.

A copy of the plan and a statement of persons affected are available for public inspection at the office of the Council at 72 Woodville Road, Woodville, S.A. 5011 and the Adelaide Office of the Surveyor-General during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Council at P.O. Box 1, Woodville, S.A. 5011 WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor-General at G.P.O. Box 1354, Adelaide,

S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 15 April 1999.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

*Murray Street, Tanunda
Deposited Plan 50855*

BY Road Process Order made on 7 July 1998, the Barossa Council ordered that:

1. Portion of the public road (Murray Street) adjoining the eastern boundary of allotment 429 in Filed Plan 171880 more particularly delineated and lettered 'A' in Preliminary Plan No. PP32/0320 be closed.

2. A Certificate of Title be issued to THE BAROSSA COUNCIL over the whole of the land subject to closure which land is being retained by Council for merging with the adjoining Council owned land.

On 17 September 1998, that order was confirmed by the Minister for Administrative Services, conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

Pursuant to section 24(5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 15 April 1999.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

*Public Road south of Emu Springs Road adjacent to Tintinara
Deposited Plan 52038*

BY Road Process Order made on 9 March 1999, the Coorong District Council ordered that:

1. The whole of the public road south of Emu Springs Road dividing section 160 from section 63 in the Hundred of Coombe adjacent to Tintinara, as more particularly delineated and lettered 'A' in Preliminary Plan No. PP32/0384 be closed.

2. Vest in the Crown the whole of the land subject to closure and add to Section 160, Hundred of Coombe which land is dedicated under the Crown Lands Act 1929, as amended for Park Lands.

On 6 April 1999, that order was confirmed by the Minister for Administrative Services, conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

Pursuant to section 24(5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 15 April 1999.

P. M. KENTISH, Surveyor-General

WATERWORKS ACT 1932

Addition of Land to Renmark Water District

PURSUANT to section 6 of the Waterworks Act 1932, the South Australian Water Corporation:

- (a) adds to the Renmark Water District all the land contained in:
- (i) allotments 63 to 74 inclusive, 119 to 125 inclusive, 901 (reserve) and Flinders Street in Deposited Plan 50452; and
 - (ii) the portion of Twenty-first Street, Renmark abutting Deposited Plan 50452 not already in the Renmark Water District; and
- (b) declares that this notice will have effect from 1 July 1999.

Dated 31 March 1999.

Signed for and on behalf of the South Australian Water Corporation by a person duly authorised so to do:

P. LOKAN

In the presence of: P. RUCIOCH

SAWATER 2139/98
PLAN 702918K
REMARK W1054

SEWERAGE ACT 1929

Removal of Land from, and Addition of Land to, Adelaide Drainage Area

PURSUANT to section 18 of the Sewerage Act 1929, the South Australian Water Corporation:

- (a) removes from the Adelaide Drainage Area all the land contained in allotment 200 in Deposited Plan 33757 (except the portion of that land already outside the Adelaide Drainage Area);
- (b) adds to the Adelaide Drainage Area all the land contained in allotments 202 and 203 in Deposited Plan 45833 (except the portion of that land already in the Adelaide Drainage Area); and
- (c) declares that this notice will have effect from 1 July 1999.

Dated 31 March 1999.

Signed for and on behalf of the South Australian Water Corporation by a person duly authorised so to do:

P. LOKAN

In the presence of: P. RUCIOCH

SAWATER 2141/98
MAPSHEET 662823A5
CRAIGMORE D1056

SEWERAGE ACT 1929

Removal of Land from, and Addition of Land to, Mount Gambier Country Drainage Area

PURSUANT to section 18 of the Sewerage Act 1929, the South Australian Water Corporation:

- (a) removes from the Mount Gambier Country Drainage Area all the land contained in allotment 10 in Filed Plan 38297 (except the portion of that land already outside the Mount Gambier Country Drainage Area);
- (b) adds to the Mount Gambier Country Drainage Area all the land contained in:
- (i) allotment 51 in Deposited Plan 30439 (except the portion of that land already in the Mount Gambier Country Drainage Area);
 - (ii) allotment 121 in Deposited Plan 36831 (except the portion of that land already in the Mount Gambier Country Drainage Area);
 - (iii) allotment 211 in Deposited Plan 44092 (except the portion of that land already in the Mount Gambier Country Drainage Area); and
 - (iv) allotment 33 in Deposited Plan 27213 (except the portion of that land already in the Mount Gambier Country Drainage Area); and
- (c) declares that this notice will have effect from 1 July 1999.

Dated 31 March 1999.

Signed for and on behalf of the South Australian Water Corporation by a person duly authorised so to do:

P. LOKAN

In the presence of: P. RUCIOCH

SAWATER 2140/98
PLANS 702233F6,G4,L1
MOUNT GAMBIER D1055

SEWERAGE ACT 1929

Addition of Land to Adelaide Drainage Area

PURSUANT to section 18 of the Sewerage Act 1929, the South Australian Water Corporation:

- (a) adds to the Adelaide Drainage Area all the land contained in:
- (i) allotments 7 and 9 in Deposited Plan 42168;
 - (ii) Deposited Plan 49725;
 - (iii) Deposited Plan 50612;
 - (iv) Deposited Plan 50766; and
 - (v) the portion of Adams Road, Blakeview abutting allotment 9 in Deposited Plan 42168 and Deposited Plan 49725; and
- (b) declares that this notice will have effect from 1 July 1999.

Dated 31 March 1999.

Signed for and on behalf of the South Australian Water Corporation by a person duly authorised so to do:

P. LOKAN

In the presence of: P. RUCIOCH

SAWATER 0238/99
MAPSHEETS 662818J4,J5,R2,R3
BLAKEVIEW D1062

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 September 1998

	\$		\$
Agents, Ceasing to Act as.....	27.70	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	20.70
Incorporation.....	14.10	Discontinuance Place of Business.....	20.70
Intention of Incorporation.....	34.75	Land—Real Property Act:	
Transfer of Properties.....	34.75	Intention to Sell, Notice of.....	34.75
Attorney, Appointment of.....	27.70	Lost Certificate of Title Notices.....	34.75
Bailiff's Sale.....	34.75	Cancellation, Notice of (Strata Plan).....	34.75
Cemetery Curator Appointed.....	20.70	Mortgages:	
Companies:		Caveat Lodgment.....	14.10
Alteration to Constitution.....	27.70	Discharge of.....	14.95
Capital, Increase or Decrease of.....	34.75	Foreclosures.....	14.10
Ceasing to Carry on Business.....	20.70	Transfer of.....	14.10
Declaration of Dividend.....	20.70	Sublet.....	7.10
Incorporation.....	27.70	Leases—Application for Transfer (2 insertions) each.....	7.10
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	20.70
First Name.....	20.70	Licensing.....	41.30
Each Subsequent Name.....	7.10	Municipal or District Councils:	
Meeting Final.....	23.20	Annual Financial Statement—Forms 1 and 2.....	390.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	276.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name.....	55.40
First Name.....	27.70	Each Subsequent Name.....	7.10
Each Subsequent Name.....	7.10	Noxious Trade.....	20.70
Notices:		Partnership, Dissolution of.....	20.70
Call.....	34.75	Petitions (small).....	14.10
Change of Name.....	14.10	Registered Building Societies (from Registrar-	
Creditors.....	27.70	General).....	14.10
Creditors Compromise of Arrangement.....	27.70	Register of Unclaimed Moneys—First Name.....	20.70
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name.....	7.10
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	34.75	Rate per page (in 8pt).....	176.00
Release of Liquidator—Application—Large Ad.....	55.40	Rate per page (in 6pt).....	233.00
—Release Granted.....	34.75	Sale of Land by Public Auction.....	35.25
Receiver and Manager Appointed.....	32.30	Advertisements.....	1.95
Receiver and Manager Ceasing to Act.....	27.70	Advertisements, other than those listed are charged at \$1.95	
Restored Name.....	26.30	per column line, tabular one-third extra.	
Petition to Supreme Court for Winding Up.....	48.35	Notices by Colleges, Universities, Corporations and District	
Summons in Action.....	41.30	Councils to be charged at \$1.95 per line.	
Order of Supreme Court for Winding Up Action.....	27.70	Where the notice inserted varies significantly in length from	
Register of Interests—Section 84 (1) Exempt.....	62.45	that which is usually published a charge of \$1.95 per column line	
Removal of Office.....	14.10	will be applied in lieu of advertisement rates listed.	
Proof of Debts.....	27.70	South Australian Government publications are sold on the	
Sales of Shares and Forfeiture.....	27.70	condition that they will not be reproduced without prior	
Estates:		permission from the Government Printer.	
Assigned.....	20.70		
Deceased Persons—Notice to Creditors, etc.....	34.75		
Each Subsequent Name.....	7.10		
Deceased Persons—Closed Estates.....	20.70		
Each Subsequent Estate.....	0.90		
Probate, Selling of.....	27.70		
Public Trustee, each Estate.....	7.10		

GOVERNMENT GAZETTE NOTICES

ALL private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to Riverside 2000 so as to be received no later than 4 p.m. Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040.

MISCELLANEOUS LEGISLATION AND GOVERNMENT PUBLICATIONS PRICES AS FROM 1 SEPTEMBER 1998

Acts, Bills, Rules, Parliamentary Papers and Regulations						
Pages	Main	Amends	Pages	Main	Amends	
1-16	1.55	0.75	497-512	22.70	21.85	
17-32	2.25	1.40	513-528	23.30	22.45	
33-48	2.85	2.05	529-544	24.05	23.20	
49-64	3.60	2.70	545-560	24.65	23.85	
65-80	4.25	3.45	561-576	25.40	24.55	
81-96	4.90	4.10	577-592	26.00	25.20	
97-112	5.60	4.75	593-608	26.70	25.80	
113-128	6.25	5.45	609-624	27.50	26.70	
129-144	7.00	6.15	625-640	28.00	27.25	
145-160	7.70	6.80	641-656	28.85	27.80	
161-176	8.35	7.50	657-672	29.35	28.55	
177-192	9.00	8.20	673-688	30.20	29.35	
193-208	9.70	8.85	689-704	30.95	29.90	
209-224	10.35	9.50	705-720	31.45	30.70	
225-240	10.95	10.20	721-736	32.30	31.25	
241-257	11.75	10.85	737-752	33.00	32.00	
258-272	12.50	11.50	753-768	33.55	32.50	
273-288	13.10	12.30	769-784	34.05	33.35	
289-304	13.75	12.90	785-800	34.90	34.05	
305-320	14.45	13.55	801-816	35.45	34.60	
321-336	15.15	14.25	817-832	36.25	35.45	
337-352	15.80	15.05	833-848	37.00	35.95	
353-368	16.50	15.65	849-864	37.50	36.80	
369-384	17.15	16.40	865-880	38.35	37.50	
385-400	17.85	17.05	881-896	38.85	38.05	
401-416	18.50	17.65	897-912	39.70	38.85	
417-432	19.25	18.40	913-928	40.25	39.70	
433-448	19.85	19.00	929-944	40.95	40.25	
449-464	20.60	19.65	945-960	41.80	40.75	
465-480	21.20	20.40	961-976	42.30	41.50	
481-496	21.85	21.00	977-992	43.15	42.00	

Legislation—Acts, Regulations, etc:

Subscriptions:		\$
Acts.....	140.00	
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Parliamentary Papers.....	335.00	
Bound Acts.....	155.00	
Index.....	75.00	

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Mail Orders:	Information SA Subscription and Mail Order Service: Phone: (08) 8204 9449. Fax: (08) 8204 1898 P.O. Box 1, Rundle Mall, Adelaide, S.A. 5000.

REAL PROPERTY ACT NOTICE

WHEREAS the persons named at the foot hereof have each respectively for himself made application to have the land set forth and described before his name at the foot hereof brought under the operation of the Real Property Act: Notice is hereby given that unless caveat be lodged with the Registrar-General by some person having estate or interest in the said lands on or before the expiration of the period herein below for each case specified, the said several pieces of land will be brought under the operation of the said Act as by law directed. Diagrams delineating these parcels of land may be inspected at the Lands Titles Registration Office, Adelaide, and in the offices of the several corporations or district councils in which the lands are situated.

 THE SCHEDULE

No. of Application	Description of Property	Name	Residence	Date up to and inclusive of which caveat may be lodged
30313	Allotment 1 of Portion of Town Acre 1003, Hundred of Yatala (L.T.R.O. Filed Plan No. 2812) in the area named North Adelaide	Public Trustee (as the Executor of Augusta Linda Nash, deceased, who died on 25 February 1959)	25 Franklin Street, Adelaide 5000	16 June 1999

 Dated 13 April 1999, at the Lands Titles Registration Office, Adelaide.

 A. J. SHARMAN, Registrar-General

RULES OF COURT

Magistrates Court South Australia

Amendment No. 15 to the Magistrates Court (Civil) Rules 1992

PURSUANT to section 49 of the Magistrates Court Act 1991, and all other enabling powers, WE, the undersigned, DO HEREBY MAKE the following amendments to the Magistrates Court (Civil) Rules 1992:

Rule 2(1) is amended by the inclusion of the following definitions in the appropriate alphabetical order:

‘authorised user’ means a person authorised by the Principal Registrar to file documents by electronic means via the Internet. An authorised user will be issued with a user identifier and a password.

‘costs on a solicitor/client basis’ means calculated in accordance with the Supreme Court scale unless otherwise specified.

And the definition of ‘film’ is amended to include after the word videotape the words ‘digital image(s)’.

Rule 5 is amended by adding the following subrule:

‘(iv) The provision by an authorised user of his or her user identifier and password in relation to the electronic filing of a document is deemed to have the same effect as if the document was signed by the authorised user.’

Include the following new Rule:

‘20A

- (1) Subject to any order of the Court, the plaintiff is not entitled to the costs for the filing of the claim unless notice in writing of the intended claim was given to the intended defendant not less than 21 days before the filing of the claim, or where subrule (2) applies in accordance with that rule, by any means authorised in these rules for service of a claim.
- (2) In an action for damages for personal injuries notice of the claim must be given at least 90 days before the filing of the claim and must be given to the defendant’s insurer if the identity of the insurer is known to the intended plaintiff. Such notice must include notice of any intended claim for past and future economic loss and be supported by documents including medical reports setting out the nature and extent of the plaintiff’s injuries and residual disabilities as known to the plaintiff at the time of the giving of the notice.
- (3) Notice of an intended claim may be given in accordance with Form 1A which notice must be filed with the Court and must bear the Court’s seal. A plaintiff who is successful in a claim is entitled to recover from the defendant any filing fee for this notice.
- (4) Subrule (3) will have effect on a date fixed by practice direction.’

Rule 24 is amended by deleting subrule (1) and replacing it with the following subrule:

- ‘(1)(a) Subject to any order of the Court a short form of pleading disclosing the date(s), place(s), circumstances and the cause of action upon which the action is based is sufficient.
- (b) If the Court requires a more detailed pleading the pleading must comply with the Supreme Court Rules 1987.’

The present subrule (3) is renumbered as subrule (4).

The following new subrule is included:

- ‘(3) A claim under the Workers Liens Act 1893 must include the particulars required to enforce a lien or charge under that Act.’

Rule 25 is amended by the deletion of subrule (2) and the renumbering of subrule (3) as subrule (2).

Rule 37 is amended by adding the following in the appropriate alphabetical order:

'Any Act not otherwise specified Form 7.'

Rule 42 is amended by deleting subrule (1) and replacing it with the following:

- (1) (a) Subject to this subrule the documents described in subrule (2) must be prepared with sufficient copies and filed at a registry of the Court.
- (b) It is sufficient for an authorised user to file form 2 or 3 by EDX at the Courts Administration Authority's internet web site.'

Subrule (2)(a) is deleted and replaced with the following:

- (a) An originating process of an action (other than an action described in Rules 26A, 37, or 38);'

The following subrule is added:

- (4) The Court seal may be placed on a document by electronic means.'

Rule 44 is deleted and replaced with the following:

- 44 A person serving a natural person (who is not a solicitor) with:
- (a) a document in Form 1, 2, 3, 3A, 3B, 3C, 3D, 3E, 3F, 6, 8, 9, 15, 15A, 15B, 20(a), 25, 25A and 26; or
- (b) an injunction or restraining order, must at the same time serve a document in Form 17 (which need not be filed).'

Rules 46 and 47 are deleted and replaced with the following:

- 46 (1) Subject to any other Act, these rules and any order of the Court, the Registrar may serve a document on a person by any means provided by these rules.
- (2) (a) Where service is, or appears to be, ineffectual the Registrar must note that fact on the court file and:
- (i) if it was service of a claim, set aside any judgment signed in default of the filing of a defence and in any other case seek directions of the Court,
- (ii) ensure that the party seeking service is aware that service was or appears to have been ineffectual; and
- (iii) not again attempt service at that address unless the party seeking service has made further reasonable enquiries and has ensured that the address for service is the address of the party to be served.
- (b) The Registrar may require a party to verify on oath the nature and extent of such further enquiries.
- (3) The Registrar must cause a stamp showing the date of any postal or other service by the Registrar to be affixed to the Court copy of the document.
- (4) Subject to these rules, the Registrar may only be required to serve a claim, defence or counterclaim that was not filed by electronic means.
- 47 (1) Subject to any other Act, these rules and any order of the Court, a document may be served on a person:
- (a) by sending it by prepaid post addressed to the address of the person (but note the cost risk in Rule 106 (8));
- (b) by personal service on the person;
- (c) by service by any of the means set out in this rule on the solicitor acting for the person;
- (d) by leaving it for the person at the address of the place of dwelling or business of the person with someone apparently above the age of 14 years;
- (e) by depositing it for the person at the DX addressed to the DX number of the person;

- (f) in the case of a body corporate (other than a Strata Corporation or a Community Corporation), by leaving it at or sending it by prepaid post addressed to the registered office of the body corporate;
 - (g) in the case of a strata corporation, by sending it by prepaid post addressed to the corporation at its site or its post office box;
 - (h) by Fax directed to the Fax number of the person;
 - (i) in the case of a firm, by service under these rules on one partner, or at the principal place of business of the firm, but if the person serving the document knows that the partnership has been dissolved before the action is filed, by service on every person sought to be made liable;
 - (j) in the case of a person in custody in a government institution, by sending it by prepaid post addressed to the person at that institution;
 - (k) (i) who appears to keep his or her place of dwelling or business closed in order to avoid or prevent service; or
 - (ii) in respect of an action for the recovery of real property, (in a case of vacant possession), by affixing it on a door of the place or otherwise conspicuously on the property;
 - (l) in the case of threats or violence by or on behalf of that person, by leaving it near the person;
 - (m) in the case of a person who has given an EDX address for service by EDX;
 - (n) in the case of a Community Corporation by pre-paid post addressed to the Community Corporation or to the Presiding Officer, Treasurer or Secretary at the postal address of the Community Corporation or by placing it in the Community Corporation's letterbox.
- (2) A person must not rely on apparently ineffective service. If any action has been requested in reliance of service that subsequently appears to have been ineffective he or she immediately must advise the Registrar in writing of that fact and must not again attempt service at that address unless the party seeking service has made further reasonable enquires and has ensured that the address for service is the address of the party to be served.'

Rule 49 (1) is amended by the deletion in subrule (b) of the reference to 'EDX' in both places where it occurs and by the inclusion of a new subrule (c) as follows:

- '(c) Where service is by EDX during normal business hours on a business day, when an acknowledgement of receipt of a transfer by EDX is received from the computer to which it was addressed.'

and by the renumbering of the existing subrule (c) as subrule (d).

Rule 53 is amended by the deletion in subrule (2) of the words:

'on a solicitor/client basis'

and replacing them with the words:

'on a solicitor's own cost basis'.

Rule 54(4) is amended by adding the following words:

'unless the contrary intention appears'

after the reference to Rule 53.

Rule 63(3)(b) is amended by deleting the reference to '21 days' and replacing it with a reference to 'four days'.

Rule 63(5) is deleted and replaced with the following:

- '(5) Where a party will suffer undue expense or inconvenience or is unable to attend due to ill health, he/she must make prior arrangements with the registrar of the trial court to be available at the appointed time by telephone.'

Rule 74 is deleted and replaced with the following:

- '74 The court may make an order to expedite an action or proceeding or the hearing of an action or proceeding and may make any consequential orders.'

Rule 76 is deleted and replaced with the following:

- '76 (1) A party at any time may use the procedures set out in this rule and after a trial date is appointed must consider ways of presenting the evidence in an economical and expeditious manner including using the procedures set out in this rule.
- (2) (a) A party may interrogate any other party with leave of the court.
- (b) Such leave may permit any interrogatory which in the opinion of the court will narrow the issues in dispute and shorten the trial.
- (c) A party must answer an interrogatory by affidavit.
- (3) (a) A party may by notice in writing to any other party, request that party to admit facts or the authenticity or admissibility of a relevant document specified in the notice. A copy of this subrule must be served with the notice.
- (b) If and to the extent that the other party fails by notice in writing to object (including detailed reasons for the objection) to the facts or documents specified in the notice within 21 days of the service of the notice, the contents of the notice will be taken to be admitted upon proof of service of the request to admit.
- (c) At the trial of an action the court may admit evidence contrary to any such admission.
- (4) (a) If a party believes that the attendance of a witness at trial will not be necessary because his or her evidence, or the evidentiary material to be produced by him or her, will be of a formal nature only or should not be the subject of real dispute, the party may give notice in writing, served on all other parties at least 14 clear days before trial:
- (i) conveying the belief;
- (ii) identifying the witness; and
- (iii) specifying the facts or opinion that the evidence, or evidentiary material, would tend to prove or establish.
- (b) If no other party has, within 7 clear days, given notice in writing of objection (including detailed reasons for objection):
- (i) the witness need not attend at trial; and
- (ii) the contents of the notice referred to in subrule (4) (a) will be taken to be admitted.
- (5) (a) Where the outcome of an action depends only upon:
- (i) the determination of a question of law; or
- (ii) the proper construction of any written contract, instrument or other document (whose existence or validity is not disputed), a party may make application to the Court for summary determination.
- (b) The party must file, in book form:
- (i) a statement of agreed facts and the question of law or construction involved; and
- (ii) a copy of the relevant contract, instrument or other document.
- (c) The Court, in open court, may proceed to hear relevant submissions and give final judgment accordingly.
- (6) Where:
- (a) the Court certifies that a party failed to use one of the procedures in this rule when it should have; or
- (b) the Court certifies that a party unreasonably objected to another party using one of the procedures in this rule,
- the Court may order that that party is not to recover costs and is to pay the costs of the other parties and of the court caused by that failure or objection.'

Rules 79 and 80 are deleted.

Rule 94 is amended by adding the words 'evidence and' before the word 'submissions' where it appears in brackets.

Rule 97 is amended by the addition of the following subrule:

'(4) The court may order any party to compensate a witness for the loss and expense caused to the witness by attending at the Court.'

Rule 104 is amended by adding the following subrule:

'(1)(b)(iv) if it was obtained consequent upon any irregularity'

Rule 106 is amended by deleting the first paragraph of subrule (1) and replacing it with the following:

'(1) Subject to these rules or to an order of the Court, a successful party in an action (other than a minor civil action) is entitled to costs against an unsuccessful party, or any other party that the Court may order, in accordance with the following principles:'

and by deleting subrule (8) and replacing it with the following:

'(8) A plaintiff who serves a claim by post (except by the agency of the Registrar) is not entitled to the costs thrown away up to the time a judgment relying upon that service is set aside unless the court is satisfied that the claim form came to the attention of the defendant.'

and a note is added to the end of Rule 106 in these terms:

'Note that a plaintiff may not be entitled to the costs for the filing of a claim unless notice is given in accordance with Rule 20A.'

Rule 116 is amended by the addition of the following subrule:

'(10) The Court may order the proper disposition for use in the Civil (General Claims) Division of the Court of any balance in the fund that will not accrue to litigants.'

Rule 113(4)(b) is amended by including the following words after the word 'seal':

'by physical or electronic means'

Rule 122 (2) is deleted and replaced with the following subrule:

'(2) An appointment under section 7 of the Sheriff's Act 1978 must not be made unless the Sheriff has certified that he is unable to carry out the duty or has had an opportunity to be heard on the appropriateness of the proposed appointment.'

Rule 125(4) is amended by deleting the words 'or his or her agent'.

The Second Schedule is amended as follows:

Replace the existing INDEX OF FORMS with the following:

INDEX OF FORMS

- | | |
|-----|---|
| 1. | Summons to Witness |
| 1A. | Final Notice of Claim |
| 2. | Claim |
| 3. | Minor Civil Action - Claim |
| 3A. | Application – <i>Fences Act 1975</i> |
| 3B. | Application – Neighbourhood Dispute |
| 3C. | Application – <i>Retail Shop Leases Act 1995</i> - Sections 12, 15 and 49(2)(b) |
| 3D. | <i>Retail Shop Leases Act 1995</i> - Section 20(6) - Referral |
| 3E. | Application – <i>Retail Shop Leases Act 1995</i> - Sections 68, 76(8) and 77(2);
<i>Landlord and Tenant Act 1936</i> (other than applications to which sections 12 & 20 of the <i>Retail Shop Leases Act 1995</i> apply) |
| 3F. | Application – <i>Second-Hand Vehicle Dealers Act 1995</i> |
| 3G. | Application – <i>Building Works Contractors Act 1995</i> - Sections 36, 37 and 38 |
| 4. | Defence |
| 5. | Defence and Counterclaim |
| 6. | Third Party Claim |
| 7. | Omnibus form for Statutory Applications |
| 7A. | Application about a Child's Name - <i>Births, Deaths and Marriages Registration Act 1996</i> - Sections 22 and 25 |
| 7B. | Application to Register a Birth - <i>Births, Deaths and Marriages Registration Act 1996</i> - Section 19 |
| 7C. | Application to Register a Death - <i>Births, Deaths and Marriages Registration Act 1996</i> - Section 19 |

- Act 1996 - Section 34*
- 7D. Application to Review a Decision of the Registrar - *Births, Deaths and Marriages Registration Act 1996 - Section 50*
8. Application under *Commercial Arbitration Act 1986, Second-Hand Dealers and Pawnbrokers Act 1996, Unclaimed Goods Act 1987 or Warehouse Liens Act 1990*
9. Application - *Consumer Transactions Act 1972 - Sections 13, 15 and 18*
10. Claim against Second-Hand Vehicle Compensation Fund
11. Notice of Appeal - *Firearms Act 1977*
12. Notice of Appeal against Cancellation of Provisional Licence and Disqualification from Holding or Obtaining a Permit or Licence
13. Notice of Appeal against Demerit Points Scheme Disqualification
14. Notice of Appeal pursuant to Section 134a of the *Motor Vehicles Act 1959*
15. Strata Title Dispute; Community Title Dispute
- 15A. Notice of Appeal (*Employment Agents Registration Act 1993*)
- 15B. Application - *South Australian Metropolitan Fire Services Act 1936*
16. Freedom of Information Appeal (Local Government)
17. Multilingual Notice
18. Request to Registrar
19. Notice of Hearing of Assessment
- 20(a). Summons Absconding Debtor
- 20(b). Warrant for Arrest - Absconding Debtor
21. Application
22. Personal Injury Particulars
- 23A. Notice of Directions Hearing - Minor Civil Action (other than minor statutory proceedings)
- 23B. Notice of Directions Hearing - General Claim and Statutory Application
- 23C. Notice of Directions Hearing - Minor Statutory Proceedings or Neighbourhood Dispute
- 23D. Notice of Mediation Hearing
- 23E. Notice of Conciliation Conference
- 23F. Notice of Listing Conference
- 23G. Notice of Hearing - Minor Civil Action
- 23H. Notice of Hearing - General Claim and Statutory Application
- 23I. Notice of Hearing - Appeal or Review
24. Application for Reduction/Remission of Fee
25. Investigation Summons
- 25A. Investigation Summons to Witness
26. Examination Summons
- 27(a). Garnishee Order *Nisi*
- 27(b). Garnishee Order Absolute
28. Warrant of Sale
29. Warrant of Possession
30. Warrant for Arrest
31. Warrant of Commitment for non-compliance with Order for Payment
32. Warrant of Commitment on Remand
33. Warrant of Commitment for Contempt
34. Bail Bond
35. Affidavit

and add the following new forms:

'FORM1A

FINAL NOTICE OF CLAIM

MAGISTRATES COURT of SOUTH AUSTRALIA (CIVIL DIVISION)

FROM: (Plaintiff)

address, phone, fax nos.

TO:

address, phone, fax nos.

- The Plaintiff intends to file a claim in this Court against you for the sum of \$
being for: (briefly describe the basis of the claim)
- This notice provides an opportunity for you both to voluntarily negotiate a resolution without further involvement by the Court. This may save you costs, time and court appearances.

**Details of your options, what they mean and how they work
are on the reverse side of this Notice.**

- If you are not able to reach a resolution within 21 days of service of this notice which is acceptable to you and the plaintiff, the plaintiff may file a Claim against you at the Court.

IGNORING THIS NOTICE

- If you ignore this notice the plaintiff may file a claim against you incurring court and other costs which you may have to pay if you lose the case.

OPTIONS FOR PAYMENT IF YOU OWE THE FULL AMOUNT

- Pay the full amount claimed to the plaintiff (do not send money to Court). If you cannot afford to pay in full try to arrange instalment payments with the plaintiff. Keep a record of payments made.
- Negotiate more time to pay in full with the Plaintiff.
- The plaintiff is not entitled to debt collecting costs unless you agreed to pay them in your credit or other agreement with the plaintiff.

OPTIONS FOR SETTLEMENT

- If the claim is in dispute, you can negotiate directly with the plaintiff to reach an agreement or, if the plaintiff agrees, you can use the free court mediation service (see 'Mediation') and/or a court appointed expert (see 'Experts').
- If you owe some of the money you could pay that to reduce the amount in dispute.

MEDIATION

- Court mediation is free and is an alternative way of resolving a dispute other than by court processes leading to a court trial. Mediation can only take place if both parties agree. You can choose either court mediation or other mediation services

EXPERTS

- In many areas an independent court expert can provide an opinion on technical issues.

For information about Mediation or Court Experts; if you are in the Adelaide Metropolitan Area phone 8204 0680 or if in the country call your nearest court registry.

For general information, or if you do not understand this notice, phone the Call Centre on 8204 2444 or country residents please call your nearest court registry:

Berri	(08) 8595 2060	Cooper Pedy	(08) 8672 5601
Mount Gambier	(08) 8735 1060	Naracoorte	(08) 8762 2174
Port Lincoln	(08) 8688 3060	Tanunda	(08) 8563 2026
Ceduna	(08) 8625 2520	Kadina	(08) 8821 2626
Murray Bridge	(08) 8535 6060	Whyalla	(08) 8648 8120

Managing Registrar, Adelaide Magistrates Court (Civil)
GPO Box 2618
Adelaide SA 5000*

and:

‘SOUTH AUSTRALIA

MAGISTRATES COURT (CIVIL DIVISION)

FORM 7

This Application is made under *(state the Act and identify sections):*

Trial Court:
Action No.:

OFFICE USE ONLY
Date of Filing:
Date of Posting:

Address:
Telephone:

Fax No.:

Damages, value of property or sum claimed (if any)	\$
Court fee on filing	\$
Service and other fee	\$
Solicitor’s fee	\$
Total	\$

PLAINTIFF(S)/APPLICANT(S):

Full Name:
Address/es:
Registered Office, if Body Corporate:
Phone No.: Fax No.:
DX No.: E-Mail.:

Solicitor for Plaintiff(s)/Applicant(s)
Name:
Address:
Phone No.: Fax No.:
DX No.: E-Mail.:

DEFENDANT(S)/OTHER PARTY(S):

Full Name
Address:
Registered Office, if Body Corporate:
Phone No.: Fax No.:
DX No.: E-Mail.:

Solicitor for Defendant(s)/Other Party(s):
Name:
Address:
Phone No.: Fax No.:
DX No.: E-Mail.:

PARTICULARS OF ACTION AND REMEDY:

1. Briefly state the date, place and circumstances from which the action arose:
2. State remedy or relief sought:

Date: / /

Signature:
.....
Plaintiff/Applicant (or his/her solicitor) must sign
and date each page

I certify that I have served a copy of the Application on the defendant(s)/Other Party(s)
at the address shown above.

Date: / /

Signature:
.....
Registrar - Trial Court'

The affidavit of service on forms 1, 20(a), 25, 25A and 26 is amended by adding after the word 'summons' the following:

'and form 17'

The affidavit of service on forms 2, 3, 6, is amended by adding after the word 'claim' the following:

'and form 17'

The affidavit of service on forms 2, 3, 4, 5 and 6 is amended by adding further methods of service as follows:

'By sending it by prepaid post addressed to the person at-

(note- unless the court is satisfied that the document served by this method came to the attention of the defendant the plaintiff is not entitled to costs thrown away if the judgment is set aside-rule 106(8))'

and

'By EDX to the EDX address given by that person during normal business hours on a normal on a business day.'

Form 17 is amended by deletion of the reference to '16th Floor, 31 Flinders Street, Adelaide', which is replaced with a reference to:

'1st floor, 260-280 Victoria Square, Adelaide SA 5000'

and by deletion of the reference to:

'Languages Services Centre
122 Frome Street, Adelaide, SA 5000
Telephone (08) 8226 7299'

which is replaced with a reference to:

'Interpreting and Translating Centre
24 Flinders Street, Adelaide, SA 5000
Telephone (08) 8226 1990'

The Third Schedule is amended as follows:

Scale 1 and Scale 2 are amended by:

replacing the references in item 25 to '\$20' with '\$25',

adding the following to note D:

'and unless the Court orders to the contrary any interest component in the judgment sum will be excluded.'

and by adding in item 1(iv) under the heading WITNESS FEES AND DISBURSEMENTS the following sub- item:

'(c) Disabled persons may be allowed a witness fee for the expense of a person assisting them.'

Scale 3 is amended by numbering the present note as note 1 and adding the following additional notes:

2. Unless the Court orders to the contrary in determining the appropriate scale any interest component in the judgment will not be taken into account.

3. Disabled persons may be allowed a witness fee for the expense of a person assisting them.'

Dated 29 January 1999.

A.P. MOSS, Chief Magistrate
D.A. SWAIN, Deputy Chief Magistrate
A.J. CANNON, Supervising Magistrate
G.F. HISKEY, Stipendiary Magistrate

RULES

Legal Practitioners Education and Admission Council 1999

PURSUANT to sections 14C, 14J and 17A of the Legal Practitioners Act 1981 as amended and to all other enabling powers, the Legal Practitioners Education and Admission Council makes the following Rules:

PRELIMINARY

1. These Rules may be cited as the 'LPEAC Rules 1999'.
2. These Rules shall be deemed to have come into operation on the 1 February 1999.
3. In these Rules, unless the contrary intention appears:

'Admission' means admission as a practitioner.

'Admitted to practise' means holding an entitlement to practise law according to the laws of any State or Territory of the Commonwealth of Australia or according to the laws of any other country in which such an entitlement is held.

'Board of Examiners' or 'Board' means the Board of Examiners established pursuant to section 14I of the Act.

'Court' means the Full Court of the Supreme Court.

'Employed practitioner' means a practitioner employed in law related employment as defined in Rule 6(3).

'Faculty' means the Faculty of Law of the University of Adelaide or the School of Law or such other body as may at any time discharge within that University the functions of the Faculty of Law.

'Graduate Certificate in Legal Practice' means the certificate so described awarded by the University of South Australia.

'Graduate Diploma in Legal Practice' ('GDLP') means the diploma so described awarded by the Law Society.

'Law Society' means the Law Society of South Australia.

'Local applicant' means a person applying for admission on the basis of academic and practical qualifications obtained in Australia.

'LPEAC' means the Legal Practitioners Education and Admission Council established pursuant to section 14B of the Act.

'Practise as a sole practitioner' means practise other than as an employed practitioner, where the employer is a practitioner of not less than five years' experience in practice, or other than as a partner or associate in a firm where at least one full-time principal is so qualified and provided also that an employer or principal so qualified is in full-time practice at the place at which the practitioner is employed or engaged.

'Practising certificate' means a practising certificate issued pursuant to Division 2 of Part 3 of the Act.

'Registrar' means the Registrar of the Supreme Court.

'School' means the School of Law of the Flinders University of South Australia or such other body as may at any time discharge within that University the functions of the School of Law.

'Supreme Court' means the Supreme Court of South Australia.

'the Act' means the Legal Practitioners Act 1981, as amended.

'the Council' means LPEAC.

'the repealed Admission Rules' means the Supreme Court Admission Rules which came into operation on 1 January 1994, as amended.

'the State' means the State of South Australia.

Any word or expression in these Rules which is a word or expression which appears in the Act shall bear the same meaning as in the Act.

REQUIREMENTS FOR ADMISSION

4. (1) The academic requirements for admission in the State are:

- (a) the completion of a tertiary academic course in Australia whether or not leading to a degree in law, which includes the equivalent of at least three years' full-time study of law and which is recognised in at least one Australian jurisdiction as a sufficient academic qualification to practise law; and
- (b) the completion of a course of study, whether as part of subrule (1)(a) or otherwise, which is recognised in at least one Australian jurisdiction as a sufficient academic qualification for admission and which demonstrates understanding and competence in the following areas of knowledge:
 - * Criminal Law and Procedure
 - * Torts
 - * Contracts
 - * Property both Real (including Torrens system land) and Personal
 - * Equity (including Trusts)
 - * Administrative Law
 - * Federal and State Constitutional Law
 - * Civil Procedure
 - * Evidence
 - * Company Law
 - * Professional Conduct (including basic trust accounting)

(2) The Degree of Bachelor of Laws of the University of Adelaide or either of the degrees of Bachelor of Laws or Bachelor of Laws and Legal Practice of The Flinders University of South Australia are, so long as in the opinion of the Council they require understanding and competence in the areas of knowledge referred to in Rule 4(1)(b), a sufficient academic course for the purposes of this rule.

(3) Notwithstanding the foregoing, the requirement for the completion of a course in Professional Conduct may be fulfilled by the successful completion of such a course as part of one or other of the courses referred to in Rule 5(1)(a), (b) or (c), or in the case of an applicant who undertakes articles of clerkship, by the successful completion, before or during the term of the articles, of such course in Professional Conduct as may be approved for that purpose by the Council.

(4) Each of the areas of knowledge referred to in subrule (1)(b) must include the elements referred to in Appendix A.

5. (1) Subject to subrule (3) hereof, the practical requirements for admission are the successful completion of:

- (a) the course of study leading to the grant of the Graduate Diploma in Legal Practice; or
- (b) the course of study leading to the grant of the degree of Bachelor of Laws and Legal Practice of the Flinders University of South Australia; or
- (c) a practical legal skills training course in Australia which has been approved by the Council as satisfying the requirement for practical training and experience in legal skills for admission to practise for the purposes of these Rules; or
- (d) at least one year's articles of clerkship served in the State.

(2) Except in the case of a course approved under subrule (4) hereof or, unless the Council grants an exemption, the practical requirements for admission may not be commenced until completion of the academic requirements.

(3) None of the courses referred to in subrules 5(1)(a), (b) or (c) hereof will be taken to fulfil the practical requirements for admission unless the Council is satisfied that it will impart an adequate level of understanding and competence in the following areas of practice, which are to include the elements referred to in Appendix B:

- * Ethics and Professional Responsibility
- * Trust and Office accounting
- * Work Management

- * Legal Writing and Drafting
- * Interviewing
- * Negotiation and Dispute Resolution
- * Legal Analysis and Research
- * Advocacy
- * Litigation
- * Property Practice
- * Wills and Estate Management
- * Commercial and Corporate Practice

(4) A course of the kind referred to in 5(1)(a), (b) or (c) may be undertaken either wholly or in part in conjunction with, or as part of, a tertiary academic course intended to fulfil the academic requirements for admission, if:

- (i) it complies with this rule; and
- (ii) the study of the areas of practice referred to in subrule 5(3) or any of them is sufficiently proximate to the time of completion of both courses and is not commenced until a stage at which, in the opinion of the Council, a sufficient academic grounding has first been achieved.

(5) For the purpose of forming the opinions respectively referred to in Rule 4(2) and Rule 5(2), the granting of approval under Rule 5(1)(c), the granting of an exemption under Rule 5(2), its consideration of the elements referred to in Appendix B for the purposes of Rule 5 and for any other purpose relating to the exercise of its powers under these Rules, the Council may:

- (a) delegate all or any of its powers to the Board;
- (b) seek a report from the Board;
- (c) appoint an *ad hoc* advisory committee which may comprise or include persons who are not members either of the Council or of the Board, to report to the Council;
- (d) either in a particular case or generally, have regard to and give such weight as it thinks appropriate to any approval, exemption, condition imposed by, or decision of any other admitting authority or other statutory or regulatory body whose activities relate to legal practitioners in any other State or Territory of Australia,

PROVIDED THAT before approving any practical legal skills training course for the purposes of Rule 5(1)(3), the Council will obtain a report from the Board.

RIGHT TO PRACTISE FOLLOWING ADMISSION

6. (1) Subject to subrule (2), a local applicant admitted to practise by reliance upon Rules 4 and 5 shall not be entitled to practise as a sole practitioner until he or she has completed at least twelve months' continuous full-time employment as an employed practitioner following the first issue to him or her of a practising certificate.

(2) The period of twelve months referred to in subrule (1) shall be reduced by one half of any period of full-time law-related employment in which the applicant was engaged in excess of three months or an aggregate of three months, commenced and completed within two years prior to the first issue to him or her of a practising certificate, but the reduction shall not exceed six months.

(3) For the purposes of this rule 'law-related employment' means employment in Australia:

- * in a private law practice;
- * in a Government department or semi-Government authority if the employment requires the performance of the work of a legal practitioner and which the Board considers appropriate for the purposes of this Rule;
- * in a corporate legal office;
- * in a community legal service;
- * in the office of the Crown Solicitor, the South Australian Director of Public Prosecutions, the Commonwealth Australian Government Solicitor or the Commonwealth Director of Public Prosecutions;

- * in any other organisation, department or office which the Board approves for the purposes of this Rule;
- * as a judge's associate.

NEW ZEALAND APPLICANTS

7. After 1 February 1999 and prior to the adoption in the State of South Australia of the Trans-Tasman Mutual Recognition Act 1997 (Cth), the admission of New Zealand practitioners is governed by the repealed Admission Rules, as to which:

- (1) references to the Board are to be taken to be references to the Board of Examiners as defined in these Rules; and
- (2) in lieu of the filing of any document as provided in the relevant provisions of the repealed Admission Rules, the applicant shall lodge with the Board any such document.

8. On and after the adoption in South Australia of the Trans-Tasman Mutual Recognition Act 1997 (Cth) ('the Trans-Tasman Act'), the following Rules shall apply.

9. (a) A notice pursuant to section 18 of the Trans-Tasman Act shall:

- (i) be in Form 1 in the schedule hereto;
- (ii) be lodged with the Board;
- (iii) contain such information as may be necessary to comply with section 18(2) of the Trans-Tasman Act;
- (iv) shall have attached to it the original or a copy of the instrument evidencing the applicant's existing registration or entitlement to practise;
- (v) incorporate a statutory declaration verifying the statements and other information in the notice;
- (vi) contain an address for service, being an address to which any notice or other communication may be forwarded by the Board.

(b) Following the lodgment of the notice referred to in (b), the Board shall, within one month thereafter:

- (i) subject to the exercise by the Board of its power to postpone registration, consider and determine whether any, and if so what, conditions should be imposed pursuant to section 19(5) of the Trans-Tasman Act;
- (ii) notify the applicant in writing of its decision to grant, postpone or refuse registration, or to impose conditions on registration;
- (iii) in the event that the Board postpones registration pursuant to section 21 of the Trans-Tasman Act, such postponement, or any aggregate period of postponement if there is more than one, shall not exceed six months from the date of lodgment with the Board of the notice given under (a) hereof.

(c) The Board may impose conditions applicable to deemed registration arising pursuant to Division 3 of the Trans-Tasman Act. Subject to the Trans-Tasman Act, such conditions:

- (i) may be expressed in general terms applying to all deemed registrations, or deemed registrations of a particular class or kind, or may be expressed in terms applying to a particular applicant for registration;
- (ii) shall be effective according to their terms.

(d) Where registration is granted pursuant to this Rule, the Law Society shall, on payment by the registrant of such fees and levies as would be payable in the event that the registrant was a local applicant admitted to practise, and upon production of evidence of participation in a professional indemnity insurance scheme under section 52 of the Act, or of a certificate of exemption from the same, issue to the registrant a practising certificate.

(e) A practising certificate issued pursuant to (d) shall be endorsed so as to indicate what, if any, conditions have been imposed pursuant to section 19(5) of the Act, and shall take effect subject to any such conditions.

(f) Notwithstanding any other provision of these Rules, no decision made pursuant to this rule shall be the subject of appeal or review other than by way of review pursuant to section 33 of the Trans-Tasman Act.

OVERSEAS APPLICANTS

10. (1) A person who holds qualifications obtained outside Australia which are recognised as qualifying him or her to be admitted to practise in an overseas jurisdiction, including New Zealand, but who is not admitted to practise in that jurisdiction, may apply to the Board for a direction as to what further academic or practical requirements must be complied with in order to satisfy the requirements for admission in the State.

(2) An applicant for such a direction must lodge with the Board a statutory declaration:

- (a) stating the nature and details of the applicant's academic qualifications and practical qualifications and experience;
- (b) providing evidence that the applicant has the academic and practical qualifications relied on, exhibiting to the statutory declaration any original or authenticated documentation relied upon;
- (c) stating whether the applicant has applied for admission in any other Australian jurisdiction and the result of any such application.

11. (1) In dealing with any application under Rule 10, the Board may refuse the application or direct that the applicant:

- (a) comply with any further academic requirements as may be specified by the Board;
- (b) obtain further specified practical training or experience or both;
- (c) is not required to undertake any further academic or practical training.

(2) In formulating directions pursuant to subrule (1), the Board shall endeavour to ensure that the applicant's qualifications, training and experience equate as closely as may be reasonably practical with those of a local applicant.

(3) Upon completion of the requirements of the Board given pursuant to this Rule, or where the Board determines that no further academic or practical training is required, the applicant shall be deemed to have satisfied the academic and practical requirements for admission in the State.

12. (1) A person who is admitted to practise in an overseas jurisdiction other than New Zealand may apply to the Board for a direction as to what academic and practical requirements must be complied with.

(2) An applicant for such a direction must file a statutory declaration:

- (a) giving details of the applicant's academic qualifications and practical training;
- (b) providing original or authenticated documentary evidence that the applicant has the academic and practical qualifications relied upon;
- (c) providing original or authenticated documentary evidence of the applicant's admission in the overseas jurisdiction;
- (d) stating that the applicant is currently admitted and entitled to practise in the overseas jurisdiction, has not at any stage been struck off the roll of practitioners or otherwise suspended from practice and is not presently subject to disciplinary inquiry or proceedings;
- (e) describing the nature, range, duration and character of the applicant's practice in the overseas jurisdiction; and
- (f) stating whether the applicant has applied for admission in any other Australian jurisdiction and the result of any such application.

13. (1) In dealing with any application under Rule 10, the Board may refuse the application or direct that the applicant:

- (a) comply with any further academic requirements as may be specified by the Board;
- (b) obtain further specified practical training or experience or both;
- (c) is not required to undertake any further academic or practical training.

(2) In formulating directions pursuant to subrule (1), the Board shall endeavour to ensure that the applicant's qualifications, training and experience equate as closely as may be reasonably practicable with those of a local applicant.

(3) Upon completion of the requirements of the Board given pursuant to this Rule, or where the Board determines that no further academic or practical training is required, the

applicant shall be deemed to have satisfied the academic and practical requirements for admission in the State.

14. If the native language of an applicant for admission in the State is not English, the applicant must satisfy the Board that the applicant has a sufficient knowledge of written and spoken English to practise in Australia.

15. The Board may, in relation to any application made by an overseas applicant, make such further enquiries as it thinks fit concerning the system of jurisprudence of the country in which the applicant has obtained his or her qualifications or in which the applicant has been admitted as a legal practitioner (as the case may be), the nature and adequacy of the applicant's training and experience in the practice of the law and the applicant's fitness to be admitted to practise in this State and the Board may, if it thinks fit, act in respect of such matters on the written advice of the Attorney-General or the Solicitor-General for the State of South Australia, the Dean or Associate Dean of the Faculty or School or on the report of a committee appointed by the Board for that purpose.

ENTRY INTO ARTICLES OF CLERKSHIP

16. No person may enter into Articles of Clerkship unless:

- (a) he or she has fulfilled the academic requirements for admission; and
- (b) he or she has duly applied for, but has been unable to obtain, entry into the course leading to the grant of the GDLP or a course conducted in South Australia and approved by the Council pursuant to Rule 5(1)(c) in the year for which he or she wishes to serve in articles; and
- (c) he or she has given to the Board and to the Law Society at least twenty-one clear days' notice of his or her intention to enter into Articles. Such notice shall be in Form 2 in the schedule hereto.

17. Within one month after the execution of Articles of Clerkship the articulated clerk shall:

- (a) lodge the articles with the Board, together with a statutory declaration verifying the due execution thereof;
- (b) produce to the Board a certificate or certificates given by the appropriate authority showing that the clerk has fulfilled the academic requirements for admission;
- (c) serve on the Law Society copies of the statutory declaration and of every such certificate.

18. Within one month after the execution of any supplementary articles, or any assignment of articles, the clerk shall:

- (a) forward to the Board the supplementary articles, or the assignment, together with a statutory declaration verifying the due execution thereof; and
- (b) serve on the Law Society a copy of the said statutory declaration and of any decision or determination of the Board given or made pursuant to Rule 25(2).

SERVICE UNDER ARTICLES

19. (1) No clerk shall be articulated to a practitioner who has not been in practice in the State of South Australia for a continuous period of five years and who is not in practice as a principal at the commencement of the articles, unless the practitioner is the Crown Solicitor for the State, an officer authorised by the Secretary to the Commonwealth Attorney-General's Department to act in the name of the Australian Government Solicitor in the State, the South Australian Director of Public Prosecutions or the Commonwealth Director of Public Prosecutions.

(2) Compliance with this Rule may be dispensed with by the Board upon it being satisfied that it is proper in all the circumstances to do so.

20. (1) No practitioner shall have more than three articulated clerks serving under articles at the same time, provided that, for the purposes of this Rule only, an articulated clerk shall be deemed not to be serving under articles from and after the time at which he or she has served a period of articles adequate to entitle him or her (if he or she is in all other respects so entitled) to move for admission.

(2) Notwithstanding the provisions of subrule (1), the Crown Solicitor for the State, an officer authorised by the Secretary to the Attorney-General's Department to act in the name of the Australian Government Solicitor, the South Australian Director of Public Prosecutions and the Commonwealth Director of Public Prosecutions may have any number of articulated clerks provided that each of them give written notification to the Board before 31 January in each year of the following:

- (a) the name of each articulated clerk in their employ at the time the notification is given; and
- (b) in each case, the approximate date upon which the service in articles will be completed.

(3) Clerks articulated to the Crown Solicitor for the State may, for the purposes of carrying out the employment required by Rule 22, be employed in such duties of a legal nature within the Departments administered by or under the Attorney-General for the State as the Crown Solicitor for the State may direct.

(4) For the purposes of this Rule 'Crown Solicitor for the State' shall mean, if that office is vacant, the person for the time being or from time to time performing the duties of the Crown Solicitor for the State.

21. No practitioner shall take, or retain any articulated clerk after he or she has ceased to practise as a practitioner, or whilst he or she is employed by another practitioner.

22. Subject to these Rules, every articulated clerk shall during the whole term of his or her articles be actually and continuously employed in the State in the proper business, practice and employment of a practitioner under the personal supervision of:

- (a) the practitioner practising in the State to whom he or she is articulated; or
- (b) a partner of the practitioner; or
- (c) a practitioner who for the time being is carrying on the business of the practitioner to whom the clerk is articulated.

23. (1) For the purposes of Rule 22(b) or (c), the partner or practitioner must have been in practice in the State for a continuous period of five years and at the time of such supervision must be in practice as a principal.

(2) The Deputy and Assistant Crown Solicitors for the State shall for the purposes of this Rule be deemed to be partners of the Crown Solicitor for the State and the Deputy Directors of Public Prosecutions shall for the purposes of this Rule be deemed to be partners of the Directors of Public Prosecutions.

24. Absence on duty as a member of the naval, military, or air forces of the Commonwealth of Australia shall not terminate a clerk's articles, but any period of such service which exceeds sixteen days in any one year shall not be deemed service under articles unless the Board otherwise determines.

25. (1) Where, before the expiration of the period for which a clerk is articulated, the practitioner to whom he or she is articulated ceases to practise as a practitioner or dies, or his or her articles are cancelled by mutual consent, the clerk may enter into supplementary articles to another practitioner for the remainder of the period of articles.

(2) (a) The Board may terminate existing articles on application to it either by the principal or by the clerk if the Board is satisfied that the clerk has ceased substantially to derive any benefit under the articles, or that the clerk is not receiving satisfactory general instruction, or that for any other sufficient reason it is advisable to terminate the articles.

(b) The Board may thereupon allow the clerk to enter into supplementary articles to another practitioner for the residue of the period of service required by these Rules or for such longer period as the Board may determine.

(3) Service under supplementary articles in accordance with the provisions of this Rule shall be good service.

(4) Except as provided by this Rule articles of clerkship may not be terminated without the approval of the Board.

26. In the case of a person entering into articles after the commencement of these Rules with a practitioner practising outside a radius of 50 kms from the Adelaide GPO, up to one half of the period of articles prescribed by these Rules may be served with the Adelaide agent of such practitioner, and the employment of the clerk as a bona fide pupil of the Adelaide agent, or his or her partner (if any) for such period shall be deemed to be service under his or her articles of clerkship.

27. Service as an associate to a judge may be counted as service in articles to the extent permitted by the Board.

28. No articles of clerkship shall bind a clerk to service after he or she has been admitted as a practitioner.

POST ADMISSION TRAINING (TRANSITIONAL PROVISION)

29. (1) Notwithstanding any other provision of these Rules, this Rule applies to any practitioner to whom Rule 40 of the repealed Admission Rules applied prior to its repeal.

(2) If a practitioner has not commenced, or has embarked upon but has not completed by 1 February 1999, the practical legal training required by Rule 40 of the repealed Admission Rules, the practitioner shall complete such practical legal training (or the remainder thereof) in accordance with the provisions of this Rule.

(3) A practising certificate issued after 1 January 1994 to a practitioner to whom this rule applies who has not previously held a practising certificate shall not be renewable and shall be cancelled by the Law Society on the certificate of the Board as hereinafter provided unless before its issue or within two years of its issue (or within such further period as the Board in its absolute discretion may specify), the practitioner has undertaken, completed and where applicable passed the courses of practical legal training (either option 1 of option 2) conducted by the Law society and approved by the Board under the repealed Admission Rules for the purposes of Rule 40 of the repealed Admission Rules (the PLT course).

(4) A practitioner:

- (a) must, before obtaining the issue of a practising certificate, file an undertaking in writing that he or she will conscientiously and punctually undertake and complete the PLT course, unless such training has already been undertaken or completed;
- (b) shall commence or continue the PLT course forthwith upon the first issue to him or to her of a practising certificate, or so soon thereafter as entry into such a course is permitted and a position is available, unless the practitioner has already completed such a course.

(5) A practitioner shall, so soon as he or she has completed the PLT course, forthwith notify the Law Society in writing confirming that he or she has done so and shall supply such further evidence that he or she has complied with the rules in that regard as the Law society may require.

(6) (a) On an application by a practitioner for a practising certificate or renewal of the same to the Law Society, the practitioner shall satisfy the Law Society, by the provision of such evidence as the Law Society may require, that he or she has complied with the provisions of this Rule and (where applicable) the provisions of Rule 40 of the repealed Admission Rules prior to 1 February 1999.

(b) If the Law Society forms the view, on an application pursuant to paragraph (a) or otherwise, that a practitioner has failed in a material respect to comply with the requirements of this Rule, or prior to 1 February 1999 with the requirements of Rule 40 of the repealed Admission Rules, it shall forward a report to the Board and provide a copy of same to the practitioner.

(c) Upon receipt of the report of the Law Society, the Board shall, if it is satisfied that the report discloses a prima facie case that the practitioner has, in a material respect, breached the provisions of this Rule, call upon the practitioner to show cause, by written submission within a specified period, why his or her application should not be refused or his or her practising certificate should not be cancelled or that further specified conditions in relation to entitlement to practise should not be imposed, as the case may be.

(d) Upon receipt of the written submission in accordance with paragraph (c) or upon the expiry of the time (or any extension thereof) for the provision of the written submission, the Board shall determine whether or not the practitioner's application shall be granted or refused or whether or not the practising certificate shall be cancelled or renewed or whether or not further conditions as referred to in (c) should not be imposed, as the case may be.

(e) The Board shall record its decision in writing and the reasons therefor and shall forward a copy of same to the Law Society and the practitioner within seven days of its determination.

(f) The Law Society shall comply with and implement the determination of the Board given pursuant to paragraph (d).

(7) A practitioner shall not practise as a sole practitioner before completing the requirements as to post-admission training imposed by this Rule.

(8) (a) The Law Society or any practitioner may apply to the Council or, in the event that the Council has exercised its power of delegation pursuant to section 17A(4) of the Act, to the Board, for a determination pursuant to section 17A(2) of the Act.

(b) Any such application shall be by statutory declaration executed by the practitioner, forwarded to LPEAC or to the Board, as the case may be.

(c) A copy of the statutory declaration shall be served on the Law Society, which may be heard on the application.

30. All questions coming before the Board shall be decided by a majority of those present, and the Chairperson (and in the Chairperson's absence, the Deputy Chairperson) shall have a casting vote as well as a deliberative vote, but when the Board makes any report to the Court or to the Council any member may make a dissenting or individual report.

31. The Board may require any applicant, and a practitioner to whom the applicant was articulated, or under whose supervision he or she has served, or with whom he or she has served as a *bona fide* pupil, to answer in writing, or to attend before it and answer orally, such questions relevant to his or her application for admission as the Board thinks fit.

32. The Council or the Board may exempt any person from the requirements of or from compliance or further compliance with, any of these rules either entirely or in part and in any event subject to such conditions the Council or the Board may think it appropriate to impose.

33. The Law Society shall be entitled to be represented by a solicitor or counsel before the Council or the Board on any inquiry, or on any application.

34. The Council or the Board may request the Law Society to appoint a practitioner to investigate any matter arising on any inquiry or application coming before it, or to assist the Council or the Board on any such inquiry or application.

35. The Board may refer any question arising out of any application made to the Board in pursuance of these rules or under the Act or arising out of any inquiry made by the Board in pursuance of these rules to the Court or to the Council and the Court or the Council may either dispose of the matter or refer it back to the Board with such directions as it may think fit.

36. (1) In addition to any other inquiry which by law it may be authorised to undertake, the Board shall inquire into every application for admission and any objection thereto and report to the Court in Form 3 in the Schedule to these Rules whether the applicant:

- (a) is eligible for admission;
- (b) is a fit and proper person to be admitted;
- (c) has complied with the Act, these Rules and the Supreme Court Admission Rules 1999 insofar as the applicant has been required to do so; and
- (d) has complied with any other requirement as to which the Board has been requested to report by the Court.

(2) Subject to Rule 13(11) of the Supreme Court Admission Rules 1999, where the Board enquires into an application for readmission it shall, in addition to the matters referred to in subrule (1) hereof, report to the Court as to the fitness and capacity of the applicant to act as a practitioner in all business and matters usually transacted by or entrusted to practitioners.

(3) Where the circumstances so require the report of the Board shall be prefaced by or have attached thereto a statement of the Board's findings in relation to the facts of the case.

APPLICATION FOR INTIMATION AS TO ELIGIBILITY

37. (1) Any person proposing to enter upon a course of study undertaken in order to fulfil the academic or practical requirements for admission or any person who has already entered upon such a course may apply to the Board for a direction or intimation as to whether, if he or she were successful in completing such course, he or she would in the opinion of the Board be ineligible on grounds relating to his or her character and/or fitness to be admitted as a practitioner.

(2) (a) The Board may require any person applying under this Rule to attend before it and to furnish such evidence of his or her good character and fitness as it thinks fit.

(b) The Board may in its discretion give such direction or intimation as to the eligibility of the application as it thinks fit.

REGISTRATION UNDER THE MUTUAL RECOGNITION ACT 1992 (CTH)

38. (1) In this Rule, unless the contrary intention appears, 'the Act' means the Mutual Recognition Act 1992 (Cth) as adopted by the Mutual Recognition (South Australia) Act 1993.

(2) This Rule ceases to operate upon the expiry of or the expiry of any renewal of the Mutual Recognition (South Australia) Act 1993, whichever is the later.

(3) A notice pursuant to section 19 of the Act shall:

- (a) be in Form 4 in the schedule hereto;
- (b) be lodged with the Board;
- (c) have attached to it the original or a copy of the instrument evidencing the applicant's existing registration or such information as may otherwise be necessary to comply with section 19(3) of the Act;
- (d) contain a statutory declaration verifying the statements and other information in the notice;
- (e) contain an address for service, being an address to which any notice or other communication may be forwarded by the Board.

(4) Following the lodgment of the notice referred to in subrule (3), the Board shall, within one month thereafter, subject to the exercise by the Board of its power to postpone registration:

- (a) consider and determine whether any, and if so what, condition or conditions should be imposed pursuant to section 20 of the Act; and
- (b) notify the applicant in writing of its decision to grant, postpone or refuse registration, or to impose conditions on registration, or to waive, pursuant to section 27(4) of the Act, any conditions imposed under the law of the first State, or any undertaking given to the local registration authority of the first State.

(5) In the event that the Board postpones registration pursuant to section 21(3) of the Act, such postponement, or any aggregate period of postponement if there is more than one, shall not exceed six months from the date of lodgment with the Board of the notice given under subrule (3) hereof.

(6) The Board may make a determination imposing conditions applicable to deemed registration arising pursuant to section 27 of the Act. Subject to the Act, such determination:

- (a) may be expressed in general terms applying to all deemed registrations, or deemed registrations of a particular class or kind, or may be expressed in terms applying to a particular applicant for registration; and
- (b) shall be effective according to its terms.

(7) Where registration is granted pursuant to this Rule, the Law Society shall, on payment by the registrant of such fees and levies as would be payable by a person admitted to practise in the State, and on production of evidence of participation in a professional indemnity insurance scheme under section 52 of the Legal Practitioners Act 1981, issue a practising certificate pursuant to the provisions of Division 2 of Part 3 of the Legal Practitioners Act 1981.

(8) A practising certificate issued pursuant to subrule (7) shall be endorsed so as to indicate what, if any, conditions have been imposed pursuant to section 20(5) of the Act, and shall take effect subject to any such conditions.

(9) Notwithstanding any other provision of these Rules, no decision or determination made pursuant to this Rule by the Board shall be the subject of appeal or review other than by way of review pursuant to section 34 of the Act.

TRANSITIONAL

39. (1) Any person who claims to have been disadvantaged in relation to his or her ability to comply with the academic and practical requirements for admission by the repeal of the repealed Admission Rules and the enactment of these Rules, may apply to the Board for an exemption from compliance with any requirement of these Rules or any part of these Rules. The Board may grant any such exemption on such terms or conditions whatsoever as the Board in its absolute discretion may think fit.

(2) A person who has obtained academic and practical qualifications in Australia prior to 1 February 1999 but has not before that date obtained admission to practise in Australia, may, before 1 February 2000 apply for admission in the State on the basis of the Supreme Court Admission Rules 1993, provided that notice of intention to apply for admission is filed in the Supreme Court Registry and served on the Law Society on or before 24 December 1999 and the statutory declarations in support of the application are filed and served on or before 31 January 2000.

(3) Where a person has, prior to 1 February 1999, not completed the requirements for admission under the Supreme Court Admission Rules 1993, but has applied to the Court for an exemption under those Rules, and the Court has not, before 1 February 1999, determined the application, the application for exemption may thereafter be completed and

any subsequent application for admission consequent thereon may be heard and determined under the Supreme Court Admission Rules 1993.

APPENDIX A

SYNOPSIS OF AREAS OF KNOWLEDGE

Appendix A sets out detailed descriptions of the areas of knowledge referred to in Rule 4(b) which have been prepared for the guidance and assistance of admitting authorities.

Although the topics below are grouped for convenience under the headings of particular areas of knowledge, there is no implication that a topic needs to be taught in a subject covering the area of knowledge in the heading rather than in another suitable subject.

CRIMINAL LAW AND PROCEDURE

1. The definition of crime.
2. Elements of crime.
3. Aims of the criminal law.
4. Homicide and defences.
5. Non-fatal offences against the person and defences.
6. Offences against property.
7. General doctrines.
8. Selected topics chosen from:
 - attempts
 - participation in crime
 - drunkenness
 - mistake
 - strict responsibility.
9. Elements of criminal procedure. Selected topics chosen from:
 - classification of offences
 - process to compel appearance
 - bail
 - preliminary examination
 - trial of indictable offences.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should provide knowledge of the general doctrines of the criminal law and in particular examination of both offences against the person and against property. Selective treatment should also be given to various defences and to elements of criminal procedure.

TORTS

1. Negligence, including defences.
2. A representative range of torts (other than negligence) and their defences.
3. Damages
4. Concurrent liability.
5. Compensation schemes.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The potential compass of this areas is so large that considerable variation might be anticipated. At the very least, there should be a study of negligence and of a representative range of torts, with some consideration of defences and damages, and of alternative methods of providing compensation for accidental injury. Examples of these topics are: concurrent liability, defamation, economic torts, nuisance, breach of statutory duty and compensation scheme.

CONTRACTS

1. Formation, including capacity, formalities, privity and consideration.
2. Content and construction of contract.
3. Vitiating factors.
4. Discharge.
5. Remedies.
6. Assignment.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

Some variation may be expected in the breadth and detail of the topics. In general, however, knowledge of the formal requirements for concluding contracts, capacity, the content and interpretation of contracts, their performance and discharge, available remedies, together with an understanding of the broad theoretical basis of contract would be expected.

PROPERTY

1. Meaning and purposes of the concept of property.
2. Possession, seisin and title.
3. Nature and type (ie fragmentation) of proprietary interests.
4. Creation and enforceability of proprietary interests.
5. Legal and equitable remedies.
6. Statutory schemes of registration.
7. Acquisition and disposal of proprietary interests.
8. Concurrent ownership.
9. Proprietary interests in land owned by another.
10. Mortgages.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should provide knowledge of the nature and type of various proprietary interests in chattels and land, and their creation and relative enforceability at law and in equity. Statutory schemes or registration for both general law land and Torrens land should be included. A variety of other topics might be included eg fixtures, concurrent interests and more detailed treatment of such matters as sale of land, leases, mortgages, easements, restrictive covenants, etc.

EQUITY

1. (a) The nature of equity
- (b) Equitable rights, titles and interests
- (c) Equitable assignments
- (d) Estoppel in equity
- (e) Fiduciary obligations
- (f) Unconscionable transactions
- (g) Equitable remedies.

2. Trusts, with particular reference to the various types of trusts and the manner and form of their creation and variation. The duties, rights and powers of trustees should be included, as should the consequences of breach of trust and the remedies available to, and respective rights of, beneficiaries. (It is expected that about half the course will be devoted to trusts.)

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should cover the elements of trust law, equitable doctrines apart from those relating to trusts, and equitable remedies. The following aspects of trusts law should be dealt with: various kinds of trusts; the rights, duties, powers of trustees; the consequences of breach of trust. Apart from trusts, the following

equitable doctrines might be covered, for example, fiduciary obligations, equitable assignments, unconscionability and confidential information. The remedies of specific performance, injunction, declaration and damages in equity should be included. (It is expected that about half the course will be devoted to trusts.)

COMPANY LAW

1. Corporate personality.
2. The incorporation process.
3. The corporate constitution.
4. Company contracts.
5. Administration of companies and management of the business of companies.
6. Duties and liabilities of directors and officers.
7. Share capital and membership.
8. Members' remedies.
9. Company credit and security arrangements.
10. Winding up of companies.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should include an analysis of incorporation and its effects, management and control of a company, the various methods of financing - by the issue of shares and by debt, and the processes of winding up a company.

ADMINISTRATIVE LAW

1. Organisation and structure of the administration.
2. Administrative law theory.
3. Common law and statutory avenues of judicial review at Commonwealth and State level.
4. Grounds of judicial review.
5. Remedies.
6. Crown immunity.
7. Administrative Appeals Tribunal
8. Statutory review.
9. Freedom of information.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should not only embrace traditional common law remedies concerning judicial review of administrative action, but should also cover the range of Commonwealth and State statutory regimes.

FEDERAL AND STATE CONSTITUTIONAL LAW

1. State constitutions and constitutional systems.
2. The Commonwealth Constitution and constitutional system.
3. The constitution and operation of the legislature, executive and judiciary.
4. The relationship between the different institutions of government and the separation of powers.
5. The relationship between the different levels of government.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should include knowledge of the major principles of both the relevant State or Territory Constitution and the Commonwealth Constitution, including the relations between the different Commonwealth and State or Territory laws. A general knowledge of the scope of both State or Territory and

Commonwealth Constitutions is required, although the topics will differ in the depth of treatment of specific heads of power, particularly in the Commonwealth sphere.

CIVIL PROCEDURE

1. Court adjudication under an adversary system.
2. The cost of litigation and the use of costs to control litigation.
3. Service of originating process - as foundation of jurisdiction, including service out of the relevant State or Territory and choice of forum.
4. Joinder of claims and parties, including group proceedings and the defence of prior adjudication as instances of the public interest in avoiding a multiplicity of proceedings and inconsistent verdicts.
5. Defining the questions for trial - pleadings, notices to admit and other devices.
6. Obtaining evidence - discovery of documents, interrogatories, subpoena and other devices.
7. Disposition without trial, including the compromise of litigation.
8. Extra judicial determination of issues arising in the course of litigation.
9. Judgement.
10. Appeal.
11. Enforcement.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should embrace the general study of rules of civil procedure relevant in the State or Territory. Rules concerning jurisdiction, the initiation and service of process, the definition of issues through pleadings and judgment and enforcement should all be included.

EVIDENCE

1. Introduction.
2. Competence and compellability.
3. Privilege.
4. The examination of witnesses.
5. Disposition and character.
6. Similar fact evidence.
7. The accused as a witness.
8. Burden and standard of proof.
9. Documentary evidence.
10. Opinion evidence and prior determination.
11. Hearsay:
 - the exclusionary rule
 - the common law and statutory exceptions.
12. Admissions and confessions in criminal cases.
13. Illegally obtained evidence and confirmation by subsequent fact.
14. *Res gestae*.
15. Corroboration.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should include examination of both the sources and acceptability of evidence, including rules concerning the burden and standard of proof and technical rules concerning such matters as hearsay, admissions and confessions, illegally obtained evidence and *res gestae*.

PROFESSIONAL CONDUCT (including basic Trust Accounting)

Professional and personal conduct in respect of practitioner's duty:

- (a) to the law;
- (b) to the Courts;
- (c) to clients, including a basic knowledge of the principles of trust accounting;
and
- (d) to fellow practitioners.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should include knowledge of the various pertinent rules concerning a practitioner's duty to the law, the Courts, clients and fellow practitioners, and a basic knowledge of the principles of trust accounting.

The aims of the trust account segment of Professional Conduct are:

- (a) To impart an understanding of the legal requirements on solicitors for dealing with trust property.
- (b) To help students obtain a level of competence in, and understanding of, the recording requirements for trust accounts and other trust dealings.

Areas covered should include:

- (a) Provisions of the relevant State or Territory legislation governing the legal profession which relate to the handling of trust money and other trust property.
- (b) Legislative provisions which enable the proper identification of trust moneys.
- (c) The ramifications of breach of trust.
- (d) Methods of maintaining trust accounts records. This includes class exercises in recording of receipts, payments and direct payments of trust moneys and of investments (including mortgage investments) by solicitors on behalf of their clients.
- (e) A detailed study of any relevant legislation, regulations or rules relating to trust accounting.

APPENDIX B

SYNOPSIS OF AREAS OF PRACTICE

Although the topics below are grouped for convenience under the headings of particular areas of practice, there is no implication that a topic needs to be taught in a subject covering the area of practice mentioned in the heading rather than in another suitable subject.

LEGAL PROFESSION

ETHICS AND PROFESSIONAL RESPONSIBILITY

1. The Rules of professional conduct, including retainers and liens, trust accounts, and professional misconduct.
2. The main requirements of the Act and Rules governing the conduct of the legal profession in the relevant jurisdiction.
3. Duties to the court, client, profession and society.
4. Conflicts of interest.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to describe and apply legislative and other sources of rules and procedures associated with professional conduct, identify situations of conflict and other circumstances which attract ethical responsibilities, identify professionally appropriate behaviours and responses, and reflect maturely on their role and work as lawyers.

TRUST AND OFFICE ACCOUNTING

1. The general principles of relevant bookkeeping.
2. The relevant rules governing the keeping of trust accounts.
3. Memoranda of costs, and obligations to clients.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should have a general understanding of bookkeeping principles and practices, be able to maintain trust accounts in accordance with all statutory and other requirements, and be able to describe and apply all statutory and other requirements in regard to office accounting.

PROFESSION SKILLS

WORK MANAGEMENT

1. Personal time management, including diaries, and other office systems.
2. Client relations.
3. Costs.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to manage their own work practices in an efficient way which best serves the needs of their clients.

LEGAL WRITING AND DRAFTING

1. Letter writing.
2. General principles of drafting.
3. Plain English drafting.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to undertake a range of drafting activities in various practice settings.

INTERVIEWING

1. Preparation for interview.
2. Conduct of an interview, including obtaining instructions.
3. Documenting the interview.
4. Advising the client.
5. Dealing with various types of clients.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articulated clerks should be able to interview a range of clients in various practice settings.

NEGOTIATION AND DISPUTE RESOLUTION

1. Preparation for negotiation.
2. Negotiation skills and strategies.
3. Post-negotiation activities.
4. Alternative dispute resolution.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articulated clerks should be able to negotiate and in other ways resolve disputes using a range of skills and strategies in various practice settings.

LEGAL ANALYSIS AND RESEARCH

1. Analysis of facts.
2. Analysis of law.
3. Research skills.
4. Application of the law to practical fact situations.
5. Identification of solutions and strategies.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

Students or articulated clerks should be able to analyse the factual and legal aspects of practical situations, research and identify the relevant law, and apply the law to the situation in order to identify solutions and strategies.

ADVOCACY

1. Language and presentation.
2. Opening address.
3. Examination in chief.
4. Cross-examination.
5. Re-examination.
6. Objections.
7. Closing address.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articulated clerks should be able to perform a range of advocacy skills in various courts and practice settings.

*PRACTICE AND PROCEDURE**LITIGATION*

1. Criminal procedure.
2. Civil procedure, such as debt collection, personal injuries.
3. Trial preparation.

4. Remedies.
5. Specific areas of litigation, such as family law, industrial law.
6. Costing.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articulated clerks should be able to conduct all the steps necessary to bring a matter to trial as lawyer for either the plaintiff or the defendant, and to implement the decision of the tribunal.

PROPERTY PRACTICE

1. Conveyancing, such as contracts of sale, strata title, and non-Torrens title.
2. Mortgages.
3. Leases, such as residential leases, commercial leases.
4. Specific areas such as environmental law practice, town planning and local government practice.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articulated clerks should be able to conduct all the steps necessary to convey, mortgage and lease real property, and have some knowledge of practice and procedure in regard to some other areas affecting real property.

WILLS AND ESTATE MANAGEMENT

1. Will drafting.
2. Estate planning, including trusts.
3. Applications for probate.
4. Estate management.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articulated clerks should be able to conduct all the steps necessary to draw a will, advise and plan the management of assets, apply for a grant of probate and/or letters of administration, and manage a deceased estate.

COMMERCIAL AND CORPORATE PRACTICE

1. Commercial agreements, such as the sale and purchase of a small business and other transactions.
2. Company practice, such as the incorporation of a company, its management and its compliance with statutory requirements.
3. Revenue practice, such as stamp duties, income tax and capital gains tax.
4. Finance and securities, such as loans, charges, debentures and guarantees, and the execution, registration and enforcement of securities.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articulated clerks should be able to conduct all the steps necessary to implement the activities of a range of commercial and corporate clients in various practice settings.

SCHEDULE TO THE LPEAC RULES 1999

FORM 1

NOTICE OF INTENTION TO APPLY FOR REGISTRATION UNDER THE TRANS-TASMAN RECOGNITION ACT 1997 (Cth)

TO: The Board of Examiners

I, [full names, address and occupation] hereby give notice that I seek registration as a [barrister/solicitor/barrister and solicitor/or (as the case may be)..... (indicate which)] in the State of South Australia, pursuant to the Trans-Tasman Mutual Recognition Act 1997 (Cth) ('the Act').

(Signed):

(Date):

State clearly Mr, Ms, Mrs, Miss or other

PLEASE SUPPLY YOUR

- * BUSINESS TELEPHONE NUMBER.....
* FACSIMILE NUMBER.....
* E-mail address.....
* Address for the purposes of this application
.....
.....
.....

As required by the Act, I supply the following information:

- 1. I am duly admitted and am at the present time entitled to practise as a [state style of legal practice]in the Supreme Court of New Zealand. The date of such admission was [date].
2. Registration inis sought for the occupation of [state style of legal practice]of the Supreme Court of South Australia in accordance with the Trans-Tasman mutual recognition principle as defined in the Act.
3. The names and dates of admission of every other jurisdiction where I have been admitted are as follows:

Table with 3 columns: Jurisdiction, Date of Admission, Entitled to Practise as [state style of legal practice]. Includes dotted lines for data entry.

(If not admitted elsewhere, state 'NONE')

- 4. I am not the subject of disciplinary proceedings in any jurisdiction (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to any such entitlement to practise.
5. My registration (or entitlement to practise) in any jurisdiction is not cancelled or currently suspended as a result of disciplinary action.
6. I am not otherwise personally prohibited from exercising any such entitlement to practise in any jurisdiction, and am not subject to any special conditions in exercising any such entitlement to practise, save as is specified in 7 hereof.
7. In exercising my entitlement to practise in any jurisdiction I am subject to the following special conditions:
[State special conditions, if any, and state in each case whether they result from criminal, civil or disciplinary proceedings in any jurisdiction or otherwise. If there are no such special conditions, state: 'No special conditions']

8. I consent to the making of inquiries of, and the exchange of information with, the authorities of any jurisdiction whether within or outside of Australia regarding my activities as a legal practitioner howsoever styled or otherwise regarding any matter relevant to this notice.

9. I annex [original/complete and accurate copy of the original] of my first [certificate/court order] admitting me to practise and an [original/complete and accurate copy of the original] of my current practising certificate.

Statutory Declaration

I, [full names, address and occupation] being the abovenamed applicant, do solemnly, sincerely and truly declare that all of the information set out in this application is to the best of my knowledge and belief true and correct in every particular, and that the accompanying documents are verily what they purport to be.

[The Declaration should be made, executed, witnessed etc strictly in accordance with the requirements of the law relating to Statutory Declarations then in force in the jurisdiction in which the Declaration is made.]

SCHEDULE TO THE LPEAC RULES 1999

FORM 2

NOTICE OF INTENTION TO ENTER INTO ARTICLES

To the Board of Examiners

TAKE NOTICE that I,
of.....
(place of residence)

intend to enter into articles of clerkship with
.....
(name and address of practitioner)

after the expiration of 21 days from the date of giving this notice.

Dated the day of

.....
(Signature of intending articulated Clerk)

PARTICULARS TO BE GIVEN BY INTENDING ARTICLED CLERK

1. I was born on the day of in the State of

I have resided in South Australia all my life, etc. [or as the case may be, giving details].

2. I have complied with the academic requirements for admission as defined in Rule 4 of the LPEAC Rules 1999.

3. I have applied for but have been unable to obtain entry to the course of study leading to the grant of the Graduate Diploma in Legal Practice for the year as appears from the certificate of the Course Co-ordinator [or otherwise appropriate authority] annexed hereto. [Or refer to such other course as may be applicable.]

4. Since leaving school I have not been employed in any trade or business [if employed, give particulars, stating when and by whom].

5. I have not been convicted or found guilty by a Court of any offences, nor, as far as I am aware, are there any charges or proceedings outstanding against me in relation to any offence or offences alleged to have been committed by me (add, if necessary, 'save and except that (or those) disclosed in the statement annexed hereto in the sealed envelope marked with the letter "A"').

NOTE: Full details must be given in relation to each offence or alleged offence of the date and nature of the charge, the Court in which it was or will be heard, the sentence (if any) imposed, and the circumstances in which the offence was or is alleged to have been committed.

6. My address for service of notices is:

.....
.....
.....
.....

.....
(Signature of intending articulated Clerk)

SCHEDULE TO THE LPEAC RULES 1999

FORM 3

REPORT OF THE BOARD OF EXAMINERS

IN THE MATTER of A.B., an applicant for admission

[Application in the Supreme Court, being No. of

To their Honours the Judges of the Supreme Court of South Australia

The Board of Examiners reports that it is satisfied that [name of applicant]:

1. Has satisfied all of the requirements of the Legal Practitioners Act 1981, the Supreme Court Admission Rules 1999 and the LPEAC Rules 1999 applicable to [his or her] application for admission except insofar as [he or she] has been exempted from compliance therewith.
2. Is eligible for admission as a practitioner of this Court.
3. Is a fit and proper person to be so admitted as a practitioner of this Court.

Dated the day of .

.....
Chairperson
Board of Examiners

Filing note:

SCHEDULE TO THE LPEAC RULES 1999

FORM 4

NOTICE OF INTENTION TO APPLY FOR REGISTRATION UNDER THE MUTUAL RECOGNITION ACT 1992 (Cth)

I, [full names, address and occupation] hereby give notice that I seek admission to practise as a barrister and solicitor of the Supreme Court of South Australia, pursuant to the Mutual Recognition Act 1992 (Cth).

(Signed)

Date:

State clearly Mr, Ms, Mrs, Miss or other

PLEASE SUPPLY YOUR

* Business telephone number

* Facsimile number.....

* Address for the purposes

.....

.....

As required by the Act, I supply the following information:

1. Particulars of my entitlement to practise in the State or Territory in which I am normally resident are that I am duly admitted and am at the present time entitled to practise as a [barrister, solicitor, barrister and solicitor or legal practitioner howsoever styled] in the Supreme Court of [State or Territory]. The date of such admission was [date].

2. The names and dates of admission of every other jurisdiction where I have been admitted are as follows:

Jurisdiction
Date of Admission

.....

.....

.....

(If not admitted elsewhere, state 'NONE')

3. I am not the subject of disciplinary proceedings in any State (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to those occupations.

4. My registration in any State is not cancelled or currently suspended as a result of disciplinary action.

5. I am not otherwise personally prohibited from carrying on any such occupation in any State, and am not subject to any special conditions in carrying on that occupation, as a result of criminal, civil or disciplinary proceedings in any State.

6. In carrying out my occupation in any State I am subject to the following special conditions:

[State special conditions, if any. Otherwise state: 'No special conditions'.]

7. I consent to the making of inquiries of, and the exchange of information with, the authorities of any State regarding my activities as a legal practitioner howsoever styled or otherwise regarding matters relevant to the notice.

8. I annex [original/certified true copy] of my first [certificate/court order] admitting me to practise and an [original/certified true copy] of my current practising certificate.

Statutory Declaration

I, [full names, address and occupation] being the abovenamed applicant, do solemnly, sincerely and truly declare that all the information set out in this application is to the best of my knowledge and belief true and correct in every particular, and that the accompanying documents are verily what they purport to be.

[The Declaration should be made, executed, witnessed, etc, strictly in accordance with the requirements of the law relating to Statutory Declarations then in force in the jurisdiction in which the Declaration is made.]

Dated at Adelaide, 2 March 1999.

(L.S.) J. DOYLE, Chief Justice

REGULATIONS UNDER THE WINE GRAPES INDUSTRY ACT 1991-----
No. 26 of 1999
-----*At the Executive Council Office at Adelaide 15 April 1999*

PURSUANT to the *Wine Grapes Industry Act 1991* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

ROB KERIN Minister for Primary Industries, Natural Resources and Regional Development

SUMMARY OF PROVISIONS

1. Citation
 2. Commencement
 3. Variation of reg. 3—Production area
-

Citation

1. The *Wine Grapes Industry Regulations 1993* (see *Gazette* 5 August 1993 p. 764) are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations come into operation on the day on which they are made.

Variation of reg. 3—Production area

3. Regulation 3 of the principal regulations is varied by inserting alphabetically in the list of hundreds at the foot of the regulation the following hundreds:

Bremer
Brinkley
Freeling
Strathalbyn.

MPNR 003/99 CS

E. D. WILSON Clerk of the Council

REGULATIONS UNDER THE SOUTHERN STATE SUPERANNUATION ACT 1994

 No. 27 of 1999

At the Executive Council Office at Adelaide 15 April 1999

PURSUANT to the *Southern State Superannuation Act 1994* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

ROB LUCAS Treasurer

SUMMARY OF PROVISIONS

1. Citation
 2. Commencement
 3. Variation of reg. 11—Section 14(6) members
 4. Insertion of reg. 11A
 - 11A. Minimum amount of contribution under s. 25A
-

Citation

1. The *Southern State Superannuation Regulations 1995* (see *Gazette* 29 June 1995 p. 3070), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations come into operation on the day on which they are made.

Variation of reg. 11—Section 14(6) members

3. Regulation 11 of the principal regulations is varied by striking out paragraph (c) of subregulation (1) and substituting the following paragraph:

- (c) those members of the S.A.H.C Visiting Medical Officers Superannuation Fund established by a trust deed dated 24 February 1983 who were appointed as visiting medical specialists on or before the commencement of this paragraph;

Insertion of reg. 11A

4. The following regulation is inserted after regulation 11 of the principal regulations:

Minimum amount of contribution under s. 25A

11A. The minimum amount of an additional contribution under section 25A of the Act is \$1 000.

REGULATIONS UNDER THE TRUSTEE ACT 1936

 No. 28 of 1999

At the Executive Council Office at Adelaide 15 April 1999

PURSUANT to the *Trustee Act 1936* and with the advice and consent of the Executive Council, I make the following regulations.
 E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

K. T. GRIFFIN Attorney-General

SUMMARY OF PROVISIONS

1. Citation
 2. Commencement
 3. Variation of schedule—Prescribed Insurers (s. 13A(1)(b))
-

Citation

1. The *Trustee Regulations 1996* (see *Gazette* 29 August 1996 p. 844) are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations come into operation on the day on which they are made.

Variation of schedule—Prescribed Insurers (s. 13A(1)(b))

3. The schedule of the principal regulations is varied by striking out item 2 and substituting the following item:

2. Housing Loans Insurance Corporation Pty Ltd.

AG 40/98 CS

E. D. WILSON Clerk of the Council

REGULATIONS UNDER THE LOCAL GOVERNMENT ACT 1934

No. 29 of 1999

At the Executive Council Office at Adelaide 15 April 1999

PURSUANT to the *Local Government Act 1934* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

IAIN EVANS Minister for Industry and Trade

----- SUMMARY OF PROVISIONS -----

1. Citation
2. Commencement
3. Substitution of reg. 4
4. Notice of valuation

Citation

1. The *Local Government (Valuation) Regulations 1989* (see *Gazette* 22 December 1988 p. 2123), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations will come into operation on the day on which section 11(c) of the *Local Government (Miscellaneous) Amendment Act 1997* comes into operation.

Substitution of reg. 4

3. Regulation 4 of the principal regulations is revoked and the following regulation is substituted:

Notice of valuation

4. For the purposes of section 172(3)(c) of the Act, notice of a valuation made by a valuer employed or engaged by the council must be given to the principal ratepayer in respect of the land to which the valuation relates—

- (a) by showing the valuation in an account for the payment of rates in respect of the land sent to the principal ratepayer at his or her address shown in the assessment book; or
- (b) by sending a notice to the principal ratepayer at his or her address shown in the assessment book in which the council—
 - (i) identifies the land to which the valuation relates; and
 - (ii) sets out the valuation.

FAXING COPY?

IF you fax copy to Riverside 2000, for inclusion in the *Government Gazette*, there is **no need** to send a Confirmation Copy to us as well.

This creates confusion and may well result in your notice being printed **twice**.

Please use the following fax number:

Fax transmission: (08) 8207 1040

Phone Inquiries: (08) 8207 1045

Please include a contact person, phone number and order number so that we can phone back with any queries we may have regarding the fax copy.

NOTE: Closing time for lodging new copy (either fax or hard copy) is 4 p.m. on Tuesday preceding the day of publication.

Government Gazette notices can now be E-mailed.

The address is:

govgaz@riv.ssa.sa.gov.au

Documents should be sent as attachments in Word format.

When sending a document via E-mail, please confirm your transmission with a faxed copy of your document, including the date the notice is to be published.

Fax transmission: (08) 8207 1040

Enquiries: (08) 8207 1045

CITY OF ONKAPARINGA

Revocation of Fire Permit Officers

NOTICE is hereby given pursuant to section 38 of the Country Fires Act 1989, that the authorisation of the following Fire Permit Officers are hereby revoked:

Joe Cain
John A. C. Comrie
Trevor Waite
Phil Parkman
Keith Beames
Peter Cuthill
Ken R. Best

J. TATE, City Manager

CITY OF UNLEY

Temporary Road Closure

NOTICE is hereby given that the council of the Corporation of the City of Unley at its meeting held on 22 March 1999, passed the following resolution:

That pursuant to the powers contained in section 359 of the Local Government Act 1934, as amended, vehicles generally be excluded from Langham Terrace (between Frederick Street and Edmund Avenue), and Trimmer Terrace (between Oxford Terrace and the northern property boundary of No. 16 Trimmer Terrace) on Sunday, 18 April 1999, between the hours of 9 a.m. and 6 p.m.

R. J. GREEN, City Manager

CITY OF SALISBURY

DEVELOPMENT ACT 1993

*Commercial Road Plan Amendment Report^{3/4}
Draft for Public Consultation*

NOTICE is hereby given that the City of Salisbury has prepared a draft Plan Amendment Report to amend the Development Plan. The Amendment applies to a parcel of land on the south side of Commercial Road, Salisbury North (Lots 14, 15 and 16 of Deposited Plan 22057).

The Plan Amendment Report will amend the Development Plan by removing the Residential Zone that presently covers the land, and introducing the Industrial Zone, which includes a new concept plan for a Salisbury North Industrial Area guiding future development, the strengthening of policies for industrial development adjacent to residential areas, and a new control making General Industry in the Salisbury North Industrial Area a non-complying use (to indicate that Light Industry is the preferred use).

The draft Plan Amendment Report and Statement of Investigations will be available for public inspection and purchase during normal office hours at the Council Office, 12 James Street, Salisbury, from Thursday, 15 April 1999 to Tuesday, 15 June 1999. A copy of the Plan Amendment Report can be purchased, at \$7.50 per copy, from the council office.

Written submissions regarding the draft amendment will be accepted by the City of Salisbury until 5 p.m. on Tuesday, 15 June 1999. The written submission should also clearly indicate whether you would wish to speak at the public hearing on your submission. All written submissions should be addressed to the City Manager, City of Salisbury, P.O. Box 8, Salisbury, S.A. 5108.

Copies of all submissions received will be available for inspection by interested persons at 12 James Street, Salisbury, from Wednesday, 16 June 1999 until the date of the public hearing.

Should an opportunity to present a submission be sought by any person, a public hearing will be held at 5.30 p.m. in the Council Chambers, 12 James Street, Salisbury, on Monday, 28 June 1999.

Dated 15 April 1999.

S. HAINS, City Manager

CITY OF UNLEY

Temporary Road Closure

NOTICE is hereby given that the council of the Corporation of the City of Unley at its meeting held on 22 March 1999, passed the following resolution:

That pursuant to the powers contained in section 359 of the Local Government Act 1934, as amended, vehicles generally be excluded from Wattle Street (between Rugby Street and Unley Road), Unley Road (eastern carriageway between Wattle Street and Oxford Terrace), Oxford Terrace (between Unley Road and Trimmer Terrace) and Frederick Street (between Trimmer Terrace and Langham Terrace) on Sunday, 18 April 1999, between the hours of 11.30 a.m. and 12.30 p.m.

R. J. GREEN, City Manager

CITY OF WEST TORRENS

Declaration of Weight Limit

NOTICE is hereby given that at the meeting of council held on 18 August 1998, it was resolved pursuant to the powers contained in section 359 of the Local Government Act 1934, as amended, that council prohibit the passage of any vehicle of a gross vehicle mass of 10 tonnes or more along Hawson Avenue, North Plympton between the prolongation of the western boundary of Marion Road and the prolongation of the eastern boundary of Streeters Road.

T. STARR, City Manager

CITY OF WHYALLA

Delegation of Council Powers

NOTICE is hereby given that at the meeting of council held on Monday, 1 February 1999, council delegated to Wayne Murphy, Consulting Building Surveyor, authority to act on council's behalf pursuant to the provisions of the following sections of the Development Act 1993:

Section 39 (2)
Section 54 (2) (d)
Section 36 (3)

D. KNOX, City Manager

CITY OF WHYALLA

Appointment of Authorised Officer and Delegation of Council Powers

NOTICE is hereby given that at the meeting of council held on Monday, 22 March 1999, council appointed Wayne Murphy, Consulting Building Surveyor, as an authorised officer pursuant to the provisions of the following sections of the Development Act 1993:

Section 18 (1)
Section 18 (3)

and delegated to Wayne Murphy, Consulting Building Surveyor, authority to act on council's behalf pursuant to the provisions of the following parts of section 71 of the Development Act 1993:

Section 71 (2)
Section 71 (4)
Section 71 (6)
Section 71 (8)
Section 71 (9)
Section 71 (11)

D. KNOX, City Manager

DISTRICT COUNCIL OF CEDUNA

ROADS (OPENING AND CLOSING) ACT 1991

Lambeff Street, Ceduna

PURSUANT to section 10 of the Roads (Opening and Closing) Act 1991, the District Council of Ceduna hereby gives notice of its intention to implement a Road Process to close the portion of the public road (Lambeff Street), Ceduna which divides allotment 69 in Deposited Plan 9111 from allotment 170 in Deposited Plan 36022.

The road proposed to be closed is lettered 'A' on Preliminary Plan No. PP32/0413. The closed road is to be transferred to

M. S. and R. G. Hewitson and merged with allotment 69 in Deposited Plan 9111.

A statement of persons affected by the road process together with a copy of the Preliminary Plan is available for public inspection at the offices of the District Council of Ceduna, Murat Terrace, Ceduna and at the Adelaide office of the Surveyor-General during normal office hours.

Any person who may wish to object to the proposed road process, or any person who may wish to apply for an easement to be granted in that person's favour over the land subject to the proposed closure must lodge with the said council a notice of objection or an application for easement within 28 days of the date of the publication of this notice.

All objections shall be in writing stating the objector's full name and address and the reasons for the objection and whether the objector wishes to appear in person or be represented at a meeting convened by the council for the determination of objections.

An application for easement shall be in writing stating the applicant's full name and address, the reasons for the application for the grant of easement, full details of the nature and location of the easement applied for and whether the easement will be in favour of adjoining or nearby land, and if so, specify the land to which the easement will be annexed.

Where a submission is made the council will give notification of a meeting at which the matter will be considered so that the person making the submission or their representative may attend if desired.

A copy of any notice or application shall, at the same time it is lodged with the council be forwarded to the Adelaide office of the Surveyor-General.

Dated 16 March 1999.

T. IRVINE, Chief Executive Officer

DISTRICT COUNCIL OF CEDUNA

ROADS (OPENING AND CLOSING) ACT 1991

Will Street and Seaview Terrace, Thevenard

PURSUANT to section 10 of the Roads (Opening and Closing) Act 1991, the District Council of Ceduna hereby gives notice of its intention to implement a Road Process to close in the Town of Thevenard, portion of Will Street, which adjoins the southern boundary of allotment 103 and to open public road being portion of the said allotment 103 adjoining Seaview Terrace.

The road proposed to be closed is and lettered 'A' on Preliminary Plan No. PP32/0412. The portion of road, when closed is to be transferred to Ceduna-Koonibba Aboriginal Health Service Inc. and to merge with allotment 103 (CT 5527/739), exchange for '1' below.

The road proposed to be opened is numbered '1' on Preliminary Plan No. PP32/0412.

A statement of persons affected by the road process together with a copy of the Preliminary Plan is available for public inspection at the offices of the District Council of Ceduna, Murat Terrace, Ceduna and at the Adelaide office of the Surveyor-General during normal office hours.

Any person who may wish to object to the proposed road process, or any person who may wish to apply for an easement to be granted in that person's favour over the land subject to the proposed closure must lodge with the said council a notice of objection or an application for easement within 28 days of the date of the publication of this notice.

All objections shall be in writing stating the objector's full name and address and the reasons for the objection and whether the objector wishes to appear in person or be represented at a meeting convened by the council for the determination of objections.

An application for easement shall be in writing stating the applicant's full name and address, the reasons for the application for the grant of easement, full details of the nature and location of the easement applied for and whether the easement will be in favour of adjoining or nearby land, and if so, specify the land to which the easement will be annexed.

Where a submission is made the council will give notification of a meeting at which the matter will be considered so that the

person making the submission or their representative may attend if desired.

A copy of any notice or application shall, at the same time it is lodged with the council be forwarded to the Adelaide office of the Surveyor-General.

Dated 16 March 1999.

T. IRVINE, Chief Executive Officer

DISTRICT COUNCIL OF GRANT

Appointments

NOTICE is hereby given that the District Council of Grant at a meeting held on Tuesday, 6 April 1999, appointed Terry Barnes in accordance with section 69 of the Local Government Act 1934, as amended, as an:

- Authorised Person, pursuant to section 82 (1) of the Local Government Act 1934.
- Authorised Officer, pursuant to section 18 (1) (a) and (b) of the Development Act 1993.
- Authorised Officer, pursuant to section 14 (2) of the Impounding Act 1920.
- Dog Management Officer, pursuant to section 27 (1) of the Dog and Cat Management Act 1995.
- Fire Prevention Officer, pursuant to section 34 (1) of the Country Fires Act 1989.

J. C. MCPHERSON, Deputy District Manager

MUNICIPAL COUNCIL OF ROXBY DOWNS

Temporary Road Closure

NOTICE is hereby given that pursuant to the powers vested in the Administrator under the provisions of the Roxby Downs (Indenture Ratification) Act 1982, and in accordance with the provisions of the Local Government Act 1934, as amended, I hereby resolve that the portions of the northern and southern sections of Richardson Place, between Arcoona and Burgoyne Streets, shall be closed to vehicular traffic on the date, time and for the activities listed in the schedule hereunder.

The closure shall apply to vehicular traffic with the exception of Police, emergency and those vehicles involved in the activities.

SCHEDULE

Anzac Day March and Commemorative Service, Sunday, 25 April 1999, between 10.30 a.m. and 11.30 a.m.

N. HUPPATZ, Administrator

WATTLE RANGE COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Riddoch Highway South of Town of Penola

NOTICE is hereby given that, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, the Wattle Range Council intends to implement a Road Process Order to:

- (i) open as road portion of section 216 in the Hundred of Penola more particularly delineated and numbered '1' on the Preliminary Plan No. PP32/0418;
- (ii) close and retain that portion of public road (Riddoch Highway), Hundred of Penola and merge with allotment 10 in Deposited Plan No. 51669 held in part certificate of title volume 5482, folio 845 more particularly delineated and lettered 'A' on the Preliminary Plan No. PP32/0418;
- (iii) close and retain that portion of public road (Riddoch Highway), Hundred of Penola and merge with piece 11 in Deposited Plan No. 51669 held in part certificate of title volume 5482, folio 845 more particularly delineated and lettered 'B' on the Preliminary Plan No. PP32/0418;
- (iv) close and retain that portion of public road (Riddoch Highway), Hundred of Penola and merge with closed road A in RP 1459A held in part certificate of title volume 5482, folio 845 more particularly delineated and lettered 'C' on the Preliminary Plan No. PP32/0418;
- (v) close as road portion of public road (Riddoch Highway), Hundred of Penola to vest in the Crown and merge with

section 216 held in crown lease volume 618, folio 14 in the name of the Wattle Range Council more particularly delineated and lettered 'D' on the Preliminary Plan No. PP32/0418.

A statement of persons affected by the Road Process Order, together with a copy of the above drawing is available for inspection at the Council Offices, George Street, Millicent, between the hours of 9 a.m. and 5 p.m. weekdays only. Copies may also be inspected at the Adelaide office of the Surveyor-General during normal office hours.

Any person who may wish to object to the proposed Road Process Order or any person affected by the proposed road closing and opening who may wish to apply for an easement to be granted in that person's favour over the land subject to the proposed road closing must lodge with the said council a notice of objection or an application for an easement within 28 days of the date of this notice.

Any objections lodged shall be in writing giving the objector's full name and address, reasons for the objection and whether the objector wishes to appear in person or be represented at the subsequent meeting when the objection will be determined by council. A copy of such objection shall also be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001.

An application for grant of easement shall be in writing giving full name and address of the person applying for the grant, full details of the nature of the location of the requested easement, whether it will be in favour of the owner of the adjoining or nearby land and if so specify the land to which the easement will be annexed and reasons for the application for grant of easement.

Dated 15 April 1999.

F. BRENNAN, Chief Executive Officer

IN the matter of the estates of the undermentioned deceased persons:

- Cunningham, Sheila Eileen*, late of 10 Morton Road, Christie Downs, widow, who died on 15 December 1998.
- Downard, Naomi Elsie*, late of Blamey Road, Elizabeth East, widow, who died on 21 February 1999.
- Feronas, Dimitrios*, late of 15 Butterworth Road, Aldinga Beach, retired builder, who died on 10 January 1999.
- Hamilton, Iris May*, late of 71 Peachey Road, Davoren Park, widow, who died on 5 March 1998.
- Johnson, Kay Marlene*, late of 21 Eastry Street, Norwood, kitchen designer, who died on 4 January 1998.
- Kennedy, Eira Mary Olive*, late of 276 Portrush Road, Beulah Park, widow, who died on 17 December 1998.
- Mann, Arthur Alfred*, late of 15-21 Seymour Avenue, Modbury, investor, who died on 1 February 1998.
- Mount, Dean James*, late of Fosters Road, Oakden, of no occupation, who died on 9 July 1997.
- Putland, Ernest Walter*, late of Main Road, Normanville, retired gardener, who died on 23 December 1998.
- Ramsay, John Andrew*, late of Nash Street, Kapunda, retired baker, who died on 8 December 1998.
- Rule, Frances Elizabeth*, late of 61 Silkes Road, Paradise, retired hairdresser, who died on 9 February 1999.
- Shannon, Florence Caroline*, late of 2 Chivell Street, Elizabeth South, of no occupation, who died on 1 February 1999.
- Warren, Elsie Doris*, late of 226 Fullarton Road, Glenside, of no occupation, who died on 7 July 1998.
- Weston, Bruce*, late of 46 York Terrace, Salisbury, retired council worker, who died on 15 February 1999.
- Wundersitz, Albert Ernest*, late of 90 Cross Road, Myrtle Bank, retired company manager, who died on 15 February 1999.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Public Trustee, 25 Franklin Street, Adelaide, S.A. 5000, full particulars and proof of such claims, on or before 14 May 1999, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons who are indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver the same to the Public Trustee.

Dated 15 April 1999.

J. H. WORRALL, Public Trustee

IN the matter of the estates of the undermentioned deceased persons:

- Boyce, Frederick Arthur James*, late of Littlehampton, retired carriage builder, who died on 25 February 1999.
- Fry, George*, late of 71 Wattle Street, Fullarton, retired forrester, who died on 16 January 1999.
- Piwinski, Kazimierz Franciszek*, late of 32 Ramsgate Street, Glenelg, who died on 18 October 1998.
- Rohrlach, Bruno Victor*, late of 'The Vines' Nursing Home, 1217 Grand Junction Road, Hope Valley, retired builder who died on 31 January 1999.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972-1975 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against any of the abovenamed estates are directed to send full particulars of such claims to the undersigned on or before 6 May 1999, otherwise they will be excluded from the distribution of the said estate.

Dated 8 April 1999.

IOOF AUSTRALIA TRUSTEES LIMITED (ACN 007 870 644) and BAGOT'S EXECUTOR & TRUSTEE COMPANY LIMITED (ACN 007 869 829), 212 Pirie Street, Adelaide, S.A. 5000.

AIR CARGO TRADERS PTY LTD
(ACN 008 294 120)

ON 7 April 1999, the Supreme Court of South Australia in Action No. 168 of 1999, made an order for the winding up of Air Cargo Traders Pty Ltd and appointed Peter Lanthois, 115 Grenfell Street, Adelaide, S.A. 5000 to be the liquidator of that company.

PIPER ALDERMAN, 167 Flinders Street, Adelaide, S.A. 5000, solicitors for the plaintiff.

CAMMS SYSTEMS PTY LIMITED
(ACN 051 742 626)

ON 7 April 1999, the Supreme Court of South Australia in Action No. 240 of 1999, made an order for the winding up of Camms Systems Pty Limited and appointed Alan Geoffrey Scott, 81 Flinders Street, Adelaide, S.A. 5000, to be the liquidator of that company.

DEPUTY COMMISSIONER OF TAXATION, 191 Pulteney Street, Adelaide, S.A. 5000.

COMPLETE WINDSCREEN SERVICE PTY LIMITED
(ACN 009 628 504)

THE DEPUTY COMMISSIONER OF TAXATION, 191 Pulteney Street, Adelaide, has brought a summons in Action No. 348 of 1999, in the Supreme Court of South Australia seeking the winding up of Complete Windscreen Service Pty Limited. The summons is listed for hearing on Tuesday, 20 April 1999 at not before 2.15 p.m. Any creditor or contributory of Complete Windscreen Service Pty Limited wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend at the Supreme Courthouse, Victoria Square, Adelaide at the time set for the hearing of the summons.

A copy of the summons and affidavit in support can be obtained on payment of the proper cost from The Deputy Commissioner of Taxation, 191 Pulteney Street, Adelaide, S.A. 5000.

COMPLETE WINDSCREEN SERVICE NOMINEES PTY LIMITED

(ACN 007 943 535)

THE DEPUTY COMMISSIONER OF TAXATION, 191 Pulteney Street, Adelaide, has brought a summons in Action No. 350 of 1999, in the Supreme Court of South Australia seeking the winding up of Complete Windscreen Service Nominees Pty Limited. The summons is listed for hearing on Tuesday, 20 April 1999 at not before 2.15 p.m. Any creditor or contributory of Complete Windscreen Service Nominees Pty Limited wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend at the Supreme Courthouse, Victoria Square, Adelaide at the time set for the hearing of the summons. A copy of the summons and affidavit in support can be obtained on payment of the proper cost from The Deputy Commissioner of Taxation, 191 Pulteney Street, Adelaide, S.A. 5000.

DEANS COMPLETE WINDSCREENS PTY LIMITED

(ACN 009 391 217)

THE DEPUTY COMMISSIONER OF TAXATION, 191 Pulteney Street, Adelaide, has brought a summons in Action No. 349 of 1999, in the Supreme Court of South Australia seeking the winding up of Deans Complete Windcreens Pty Limited. The summons is listed for hearing on Tuesday, 20 April 1999 at not before 2.15 p.m. Any creditor or contributory of Deans Complete Windcreens Pty Limited wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend at the Supreme Courthouse, Victoria Square, Adelaide at the time set for the hearing of the summons. A copy of the summons and affidavit in support can be obtained on payment of the proper cost from The Deputy Commissioner of Taxation, 191 Pulteney Street, Adelaide, S.A. 5000.

EXCLUSIVE SHEEPSKIN FOOTWEAR PTY LTD

(ACN 083 091 196)

ON 7 April 1999, the Supreme Court of South Australia in Action No. 265 of 1999, made an order for the winding up of Exclusive Sheepskin Footwear Pty Ltd and appointed Ian Geoffrey Scott, Level 6, 81 Flinders Street, Adelaide, S.A. 5000 to be the liquidator of that company.

MARSHALLS, Level 2, 81 Flinders Street,
Adelaide, S.A. 5000, solicitors for the
plaintiff.

FARMWORLD EXPORT LIMITED

(ACN 062 480 826)

ON Thursday, 8 April 1999, the Supreme Court of South Australia in Action No. 297 of 1999, appointed Mark Christopher Hall, 26 Flinders Street, Adelaide, S.A. 5000 to be the provisional liquidator of Farm World Export Limited.

BONNINS, Level 14, Commonwealth Bank Building,
100 King William Street, Adelaide, S.A. 5000,
solicitors for the plaintiff.

GILDAGE PTY LIMITED

(ACN 053 917 829)

RIDLEY AGRIPRODUCTS PTY LIMITED (ACN 006 544 145) has brought a summons in Action No. 381 of 1999 in the Supreme Court of South Australia seeking the winding up of Gildage Pty Limited. The summons is listed for hearing on 18 May 1999 at not before 2.15 p.m. Any creditor or contributory of Gildage Pty Limited wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend at the Supreme Courthouse, Victoria Square, Adelaide, at the time set for the hearing of the summons. A copy of the summons and the affidavit in support can be obtained on payment of the proper costs from Mellor Olsson, 5th Floor, 80 King William Street, Adelaide, S.A. 5000, solicitors for the creditor.

J. & J. ENTERPRISES SA PTY LTD

(ACN 081 008 639)

FREDERICKS PETROLEUM PTY LTD (ACN 008 121 060) has brought a summons in Action No. 424 of 1999, in the Supreme Court of South Australia seeking the winding up of J. & J. Enterprises SA Pty Ltd. The summons is listed for hearing on 18 May 1999 at not before 2.15 p.m. Any creditor or contributory of J. & J. Enterprises SA Pty Ltd wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend the Supreme Courthouse, Victoria Square, Adelaide at the time set for the hearing of the summons. A copy of the summons and the affidavit in support can be obtained from Robinson Gerard & Co., 120 Hutt Street, Adelaide, S.A. 5000, solicitors for the plaintiff.

JINIESS PTY LIMITED

(ACN 009 616 406)

THE DEPUTY COMMISSIONER OF TAXATION, 191 Pulteney Street, Adelaide, has brought a summons in Action No. 337 of 1999, in the Supreme Court of South Australia seeking the winding up of Jiniess Pty Limited. The summons is listed for hearing on Tuesday, 20 April 1999 at not before 2.15 p.m. Any creditor or contributory of Jiniess Pty Limited wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend at the Supreme Courthouse, Victoria Square, Adelaide at the time set for the hearing of the summons. A copy of the summons and affidavit in support can be obtained on payment of the proper cost from The Deputy Commissioner of Taxation, 191 Pulteney Street, Adelaide, S.A. 5000.

MANDA PTY LTD

(ACN 007 956 783)

ON 7 April 1999, the Supreme Court of South Australia in Action No. 218 of 1999, made an order for the winding up of Manda Pty Ltd and appointed Grant Dene Sparks, Level 3, 293 Queen Street, Brisbane, Qld 4000 to be the liquidator of that company.

MARSHALLS, Level 2, 81 Flinders Street,
Adelaide, S.A. 5000, solicitors for the
plaintiff.

THE CUT ABOVE PTY LIMITED

(ACN 009 608 057)

THE DEPUTY COMMISSIONER OF TAXATION, 191 Pulteney Street, Adelaide, has brought a summons in Action No. 336 of 1999, in the Supreme Court of South Australia seeking the winding up of The Cut Above Pty Limited. The summons is listed for hearing on Tuesday, 20 April 1999 at not before 2.15 p.m. Any creditor or contributory of The Cut Above Pty Limited wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend at the Supreme Courthouse, Victoria Square, Adelaide at the time set for the hearing of the summons. A copy of the summons and affidavit in support can be obtained on payment of the proper cost from The Deputy Commissioner of Taxation, 191 Pulteney Street, Adelaide, S.A. 5000.

ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform Riverside 2000 of any subsequent corrections by **10 a.m. on Thursday**, which is our publication deadline.

For any corrections to your notice please phone 8207 1045 or Fax 8207 1040 **before** 10 a.m. on Thursday.

If we do not receive any communication by 10 a.m. on Thursday (day of publication) we will presume the notice is correct and will print it as it is.

Remember—the onus is on you to inform us of any corrections necessary to your notice.

NOTE: Closing time for lodging new copy (either fax or hard copy) is 4 p.m. on Tuesday preceding the day of publication. Ph. 8207 1045—Fax 8207 1040.