

SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

PUBLISHED BY AUTHORITY

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

ADELAIDE, THURSDAY, 22 MARCH 2001

FISHERIES ACT 1982

MARINE FINFISH FARMING LICENCE FM00037

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

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

Spencer Gulf Fish Farms Pty Ltd (14952)
1 North Quay Boulevard
Port Lincoln, S.A. 5606

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

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

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

2. *Permitted Species*

The licensee:

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

3. *Permitted Use*

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

4. *Permitted Methods*

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

- 4.1.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 4.1.4 must apply the permitted farming methods set out in Schedule 2 of this licence;
- 4.1.5 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.2;
- 4.1.6 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.5 by the Minister;
- 4.1.7 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence;
- 4.1.8 must implement a management strategy approved by the Minister and as specified in Clause 4.3 to manage interactions with seabirds and marine mammals.
- 4.1.9 must not introduce the permitted species to the site before approval of the management strategy specified in 4.1.8 by the Minister.

- 4.2 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.
- 4.3 The licensee must submit a draft strategy for managing interactions with sea birds and marine mammals to the Minister within 60 days of the grant of the licence by the Minister. The draft strategy must identify potential interactions with and risks to sea birds and marine mammals and the measures proposed to minimise interactions with and risks to seabirds and marine mammals.

5. Seacages

The licensee must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any seacage or other farm structure used by the licensee on the site.

6. Location of Seacages

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

7. Marking and Maintaining the Site

The licensee:

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

8. Site Inspection and Supervision

The licensee:

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

9. Fees and Returns

The licensee:

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

10. Public Risk Insurance

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

11. Guarantee or Indemnity Scheme

The licensee must either:

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

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

12. No Assignment

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

13. Variation and Cancellation

- 13.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:
 - 13.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
 - 13.1.2 the results of any other monitoring as may from time to time be carried out; or
 - 13.1.3 such other relevant information within the knowledge of the Minister.

- 13.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:
 - 13.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
 - 13.2.2 cancel this licence for failure to comply with such requirements for rectification.

- 13.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:
 - 13.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 13.3.2 an order is made for the winding up or liquidation of the licensee;
 - 13.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 13.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 13.3.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.

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

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

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

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

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

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 9 March 2001.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectares |
|------------------|-------------------|
| AGD 66—Zone 53 | |
| 647482E 6244004N | 20 |
| 647914E 6243750N | |
| 647710E 6243407N | |
| 647279E 6243660N | |

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

Item 2—Marked-off Areas

Marked-off areas must be marked with no less than 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant 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*)
- Yellowtail King Fish (*Seriola lalandi*)
- Mulloway (*Argyrosomus hololepidotus*)

Permitted Farming Methods

There must be a minimum clearance of at least 3 m between the bottom of each seacage and the seabed.

Seacages 12

Stocking Rates

Twelve seacages each with a maximum circumference of 25 m.

The maximum standing stock on the site must not exceed 300 tonnes.

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

| | \$ |
|---------------------------------------|---------------|
| Base Licence Fee..... | 219.00 |
| Total Annual Licence Fee | 219.00 |

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, 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

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

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

Farm Management

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

2. Stocking density of the permitted species held on the site.

4. Times of stocking and harvesting of the permitted species on the site including the numbers stocked or harvested.

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

Water Quality

1. Nitrogen.

2. Phosphorous.

3. Turbidity.

4. Phytoplankton including species composition and abundance.

5. Dissolved oxygen concentration.

Benthic Sediments

1. Colour.

2. Consistency.

3. Indications of methanogenesis.

4. Redox potential.

5. Organic matter content.

Benthic Fauna and Flora

1. Infauna communities including composition and abundance.

2. Benthic macro-flora communities including composition and abundance.

3. Benthic macro-fauna communities including composition and abundance.

METHODOLOGY

Draft Environmental Monitoring Program

The draft environmental monitoring program should include an initial assessment of the site and analyse the variability of parameters to be measured to identify appropriate numbers of replicates and sample sizes for statistical rigour.

Control Sites

In addition to the site, the draft environmental monitoring program should identify appropriate control sites at which monitoring will occur. At least two controls should be identified at increasing distance from the site. At least one control site must be located more than 1 km from the site.

Sediment Cores

Sediment cores should be used to assess the colour and consistency of sediments, methanogenesis, presence of hydrogen sulphide, redox potential and composition of infauna communities. Sediment cores should be a minimum of 50 mm in diameter and 100 mm in depth. Collection of cores should be visible on video transects.

All infauna collections must be preserved in an appropriate medium and labelled (inside and outside) with the date of collection, site location, collection method, and collectors' and identifiers' name. The collections are to be stored in a safe place so that confirmation of species identification can be investigated at a later date if required.

Video Transects

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

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must be at least 50 m long and a scale must be clearly visible on the video at all times. The location of video transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number. The diver should gently disturb the sediment by hand at the start and end of transects to reveal sediment colour beneath the surface.

Report

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

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

SCHEDULE 6

Schedule of Environmental Monitoring Reports

The licensee must submit an interim environmental monitoring program report within 6 months of the commencement of this licence and a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000 during the term of this licence.

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Neville Mattsson (hereinafter referred to as the 'exemption holder'), P.O. Box 261, Coffin Bay, S.A. 5607, holder of Marine Scalefish Fishery Licence No. M454, is exempt from section 41 and section 69 (4) (a) (for the acts or omissions of the person acting in the place of the exemption holder with the Director's consent namely the nominated person) of the Fisheries Act 1982, subject to the conditions in Schedule 1, but only insofar as the exemption holder shall not be guilty of an offence when he, or the nominated person, is using up to 100 crab pots for the taking of sand crabs (*Ovalipes australiensis*), rock crabs (*Nectocarcinus integrifrons*) and spider crabs (*Leptomithrax australiensis*) (hereinafter referred to as the 'permitted species') for the purpose of trade or business in coastal marine waters of South Australia (hereinafter referred to as the 'exempted activity').

SCHEDULE 1

1. The exemption holder may engage in the exempted activity from the date of this notice until 30 June 2001.

2. The exemption holder may only use a boat (hereinafter referred to as the 'permitted boat') registered on Marine Scalefish Fishery Licence No. M454 to conduct the exempted activity.

3. The exemption holder or nominated person must be on board the permitted boat at all times whilst the exempted activity is being conducted.

4. Should the exemption holder wish to nominate another person to undertake the exempted activity, then the Director of Fisheries must be notified in writing and approve the nominee prior to fishing activities being undertaken.

5. The exemption holder shall not use any kind of device other than a crab pot for the purpose of engaging in the exempted activity which has attached a buoy that is constructed of material that is durable in water, has a volume of not less than four litres, is of orange colour and is clearly marked with the registered number of the boat with letters and figures of not less than 7 cm in height.

6. Any fish, other than the permitted species, taken as by-catch by the exemption holder during the exempted activity must be immediately returned to the water.

7. The exemption holder must complete a monthly return within 14 days of the end of the previous month and forward it to the South Australian Research and Development Institute, P.O. Box 120, Henley Beach, S.A. 5022. This return must be completed regardless of whether the exemption holder took fish or not (nil returns are required).

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

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

Dated 19 March 2001.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 43

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

- (a) any licensed person who is the holder of, or an associate of a holder of a permit in the Commonwealth Southern Shark Fishery with quota attached to it to take school or gummy shark from the waters specified in Schedule 1; and
- (b) any other licensed person to take more than five school or gummy shark in a single fishing trip from the waters specified in Schedule 2A, or take more than 10 school or gummy shark in a single fishing trip from the waters specified in Schedule 2B.

SCHEDULE 1

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

SCHEDULE 2A

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

SCHEDULE 2B

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

SCHEDULE 3

From 27 March 2001 to 31 December 2001 inclusive, unless this Notice is revoked earlier.

For the purposes of this notice:

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

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

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

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

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

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

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

Dated 21 March 2001.

W. ZACHARIN, Director of Fisheries