

SUPPLEMENTARY GAZETTE

**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

PUBLISHED BY AUTHORITY

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

ADELAIDE, MONDAY, 3 FEBRUARY 2003

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Andrew Fox, 28A Cardwell Street, Adelaide, S.A. 5000, (hereinafter referred to as the 'exemption holder') is exempt from regulation 24 (1) of the Fisheries (General) Regulations 2000, in that the exemption holder shall not be guilty of an offence only insofar as being permitted to use blood, bone, meat offal or skin of an animal as berley within the coastal waters contained within the Neptune Islands Conservation Park to attract white sharks (*Carcharodon carcharias*) for the purpose of cage viewing only (hereinafter referred to as the 'permitted activity'), subject to the conditions specified in Schedule 1, from the date of gazettal of this notice until 28 February 2003, or until this exemption is varied or revoked.

SCHEDULE 1

1. The exemption holder must be on board the boat when conducting the permitted activity.

2. All berley used while conducting the permitted activity must consist of fish based products only. All berley (other than fish oil) must be stored below a maximum temperature of 4°C.

3. The exemption holder shall not goad or provoke a white shark in an attempt to change its normal behaviour during the exempted activity.

4. When using bait as an attractant for the shark, the bait shall be attached to a length of rope by natural fibre twine of no less than 30 cm in length.

5. The exemption holder must, at least 24 hours prior to conducting the permitted activities, inform the local coastguard and the Fisheries Compliance Unit on 1800 065 522.

6. The exemption holder must allow an officer of the Department for Environment and Heritage (DEH) or Fisheries Officer or nominee to be present on board the boat during the permitted activity if requested, subject to negotiation and availability of space.

7. The exemption holder must comply with all instructions (including ceasing to berley if so instructed) given by an officer from DEH or Fisheries Officer.

8. Whilst engaged in the permitted activity, a pennant (approved by DEH) must be flown from the boat so as to be clearly visible.

9. Whilst engaged in the permitted activity one of the exemption holder must have in his possession a copy of this notice and produce a copy of the notice if required by a Fisheries Officer.

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

11. The exemption holder must maintain a log whilst engaged in the permitted activity which includes the date and location, number of passengers, number of hours berleying, number of sharks observed and any other relevant observations or comments. Records must be kept in a form determined by the operators association in conjunction with CSIRO Marine Research Unit and endorsed by the Minister for Environment and Heritage. A copy of the log must be provided to the relevant DEH office within 14 days of the end of each calendar month.

12. The exemption holder must conform to a code of conduct developed by the operators association and endorsed by the Minister for Environment and Conservation.

13. The exemption holder will operate in cooperation with and in agreement of any other approved operator at the same location.

14. The exemption holder must have public liability insurance to an amount determined by the Minister for Environment and Conservation and ensure vessels are surveyed and staffed as per Department of Transport regulations.

Date 29 January 2003.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Michael Good of the Department for Water, Land and Biodiversity Conservation, G.P.O. Box 2834, Adelaide, S.A. 5001 or persons acting as his agents (hereinafter referred to as the 'exemption holder') is exempt from the provisions of the Fisheries Act 1982, but only insofar as the exemption holder may engage in the collection of native and introduced fish, including those species protected pursuant to section 42 of the Fisheries Act 1982 from the waters of the Diamantina Creek, Cooper Creek, the Stevenson River, and the Neales River (hereinafter referred to as the 'exempted activity'), using the gear specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of *gazetted* of this notice until 30 June 2003, unless varied or revoked earlier.

SCHEDULE 1

- 6 seine nets (20 m maximum length x 2 mm minimum mesh size)
- 4 fyke nets (15 m maximum dimension x 30 mm maximum mesh size)
- 6 gill nets (36 m maximum length x 30 mm minimum mesh size)
- 3 larval trawls (2 m maximum length x 500 µm minimum mesh size)
- 1 electrofishing set.

SCHEDULE 2

1. All native fish collected pursuant to this notice not required for scientific evaluation must be returned to the water on completion of the study.

2. Before collecting any specimens pursuant to this notice, the exemption holder must advise the PIRSA Fisheries Compliance Unit on 1800 065 522 with details of the proposed locations and the dates on which the collections are to be made.

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

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

Dated 29 January 2003.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Stephen Donnellan and Terry Bertozzi (hereinafter referred to as the 'exemption holder') from the South Australian Museum, North Terrace, Adelaide, S.A. 5000 are exempt from section 43 of the Fisheries Act 1982 but only insofar as the exemption holder may collect marine organisms from South Australia coastal waters including intertidal 'rocky' reefs (excluding aquatic reserves), using the gear specified in Schedule 1 or by using clove oil as an anaesthetic (hereinafter referred to as the 'exempted activity'), subject to the conditions set out in Schedule 2 from the date of *gazetted* of this notice until 31 December 2003, unless varied or revoked earlier.

SCHEDULE 1

- 5 shrimp traps
- 1 dab net per person
- 1 hand spear per person
- 1 spear gun per person
- 1 seine net (5 m length x of 2 mm minimum mesh size)

SCHEDULE 2

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

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

3. The exemption holder must provide a report in writing detailing the collection of organisms pursuant to this notice to the Director of Fisheries, (Attention: Roger Hill, P.O. Box 282, Port Adelaide, S.A. 5015) within 3 months of the expiry of this notice, giving the following details:

- the date and time of collection;
- the description of all species collected; and
- the number of each species collected.

4. While engaging in the exempted activity, the exemption holder or his agents must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be produced.

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

Dated 29 January 2003.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, those classes of persons specified in Schedule 1 are exempt from Clause 21 of Schedule 1 of the Fisheries (General) Regulations 2000, regulation 5 of the Fisheries (General) Regulations 2000 and section 41 of the Fisheries Act 1982 insofar as they may use one or more rock lobster pots that are not registered ('the exempt activity') subject to the conditions specified in Schedule 2, from the date of *gazetted* of this notice until it is varied or revoked.

SCHEDULE 1

- All fisheries officers attached to the Investigations Group of PIRSA Fishwatch.
- Fisheries officers acting with and under the direction of a fisheries officer attached to the Investigations Groups of PIRSA Fishwatch.

SCHEDULE 2

The exempt activity must not be carried out unless it is for the purposes of undertaking any covert surveillance operation that involves the use of unregistered rock lobster pots by fisheries officers.

The maximum number of pots deployed in the water at any one time must not exceed two pots for each fisheries officer on board the vessel from which the covert surveillance is being carried out.

Any rock lobster taken shall be returned to the water prior to the retrieval of the vessel from which the covert surveillance is carried out.

Dated 24 January 2003.

W. ZACHARIN, Director of Fisheries