

South Australia

Aquaculture (Standard Lease Conditions) Policy 2005

under the *Aquaculture Act 2001*

Contents

- 1 Short title
- 2 Standard conditions of aquaculture lease
- 2A Renewal of lease
- 3 Variation of lease or lease conditions

Legislative history

1—Short title

This policy may be cited as the *Aquaculture (Standard Lease Conditions) Policy 2005*.

2—Standard conditions of aquaculture lease

- (1) The provisions of this policy constitute conditions of an aquaculture lease.
- (2) In the event of an inconsistency between the provisions of this policy and any other conditions of a lease, the provisions of this policy will prevail to the extent of the inconsistency.

2A—Renewal of lease

An application for renewal of an aquaculture lease—

- (a) must be made to the Minister in the manner and form determined by the Minister; and
- (b) must be accompanied by the amount of the fee fixed for an application for renewal of an aquaculture lease in the *Aquaculture Regulations 2005*.

3—Variation of lease or lease conditions

- (1) Subject to this clause, an aquaculture lease or its conditions may be varied, on application by or with the consent of the lessee, by the Minister by written notice to the lessee.
- (1a) An application for a variation under subclause (1)—
 - (a) must be made to the Minister in the manner and form determined by the Minister; and
 - (b) must be accompanied by the amount of the relevant fee fixed for an application to vary an aquaculture lease or its conditions in the *Aquaculture Regulations 2005*.
- (2) The variation must not extend the area of the lease or the class of aquaculture that may be carried on in the area (see section 25(2)(c) of the *Aquaculture Act 2001*).

- (3) If the variation consists of or involves the substitution of the area leased:
- (a) the variation may not be made if the lease is registered under the *Real Property Act 1886*; and
 - (b) if the original area leased was within an aquaculture zone or prospective aquaculture zone, the new area leased must not be within a different aquaculture zone or prospective aquaculture zone; and
 - (c) the variation may not be made unless the holder of each corresponding licence has requested or consented to a variation of the conditions of the licence by substitution of the licence area and the EPA has approved the variation (to take effect on the variation of the lease).

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal policy and amendments

New entries appear in bold.

Notice	Provision under which notice is made	Publication of policy in Gazette	Commencement
Gazette 3.11.2005 p3866	s 12(7)	<i>Gazette 3.11.2005 p3865</i>	3.11.2005
Gazette 4.12.2008 p5357	s 12	Gazette 4.12.2008 p5358	4.12.2008

Provisions amended

New entries appear in bold.

Provision	How varied	Commencement
cl 2		
cl 2(1)	cl 2 redesignated as cl 2(1) by 4.12.2008 p 5358 cl 3	4.12.2008
cl 2(2)	inserted by 4.12.2008 p 5358 cl 3	4.12.2008
cl 2A	inserted by 4.12.2008 p 5358 cl 4	4.12.2008
cl 3		
cl 3(1)	varied by 4.12.2008 p 5358 cl 5(1)	4.12.2008
cl 3(1a)	inserted by 4.12.2008 p 5358 cl 5(2)	4.12.2008