

South Australia

## **Aquaculture Regulations 2005**

under the *Aquaculture Act 2001*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 3 Interpretation
- 3A Approval of Minister

#### **Part 2—General provisions supporting Act**

- 4 Procedures for making aquaculture policies
- 5 Amendment of aquaculture policies by notice in Gazette
- 6 Transfer of production leases
- 7 Reference of matters to EPA
- 8 Aquaculture Resource Management Fund

#### **Part 3—Regulation of licensed activities**

##### **Division 1—General**

- 9 Aquaculture waste
- 10 Use of chemicals
- 11 Notification of unusually high mortality rate and duty to isolate unaffected organisms
- 12 Aquatic organisms affected with disease
- 13 Stock register
- 14 Periodic returns

##### **Division 2—Aquaculture in State waters**

- 15 Application of Division
- 16 Requirement to mark-off area and maintain structures or equipment used to mark-off area
- 17 Farming structures
- 18 Health certificates for abalone farmed on navigable vessel
- 19 Strategies relating to escape of stock and interaction with seabirds and large marine vertebrates
- 20 Notification of entanglement of certain animals
- 21 Notification of escape of stock or damage that may lead to escape of stock
- 22 Environmental monitoring and reporting—farming of molluscs in subtidal area
- 23 Environmental monitoring and reporting—farming of molluscs in intertidal area
- 24 Environmental monitoring and reporting—farming of finfish
- 25 Environmental monitoring and reporting—navigable vessels

##### **Division 3—Aquaculture not in State waters**

- 26 Application of Division
- 27 Environmental monitoring and reporting—general
- 28 Environmental monitoring and reporting—live organisms reared during transport

## Part 4—Miscellaneous

- 28A Division of lease area
- 28B Division of licence area
- 29 Defects in applications
- 30 Powers of fisheries officer
- 31 Exemptions
- 32 Fees

## Schedule 1—Fees

## Schedule 2—*Aquaculture (Standard Lease Conditions) Amendment Policy 2008*

### Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

### Part 2—Amendment of *Aquaculture (Zones—Standard Lease Conditions) Policy 2005*

- 3 Amendment of clause 2—Standard conditions of aquaculture lease
- 4 Insertion of clause 2A
  - 2A Renewal of lease
- 5 Amendment of clause 3—Variation of lease or lease conditions

## Legislative history

---

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Aquaculture Regulations 2005*.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

***abalone*** means abalone (*Haliotis* spp.) of all species;

***accredited laboratory*** means a laboratory accredited by the National Association of Testing Authorities and capable of detecting oxidised nitrogen, ammonia and soluble phosphorous at concentrations of 0.1 mg/L or less and total suspended solids at 5 mg/L or less;

***Act*** means the *Aquaculture Act 2001*;

***antifoulant*** means a chemical substance designed for application to water submerged surfaces to inhibit the growth of plants, animals or other organisms on those surfaces;

***aquaculture waste*** means waste generated in the course of carrying on aquaculture, but does not include waste created by living aquatic organisms;

***disease*** includes any bacterium, virus, parasite, insect or other organism or agent capable of causing disease in animals or humans;

**farming structure** includes sea cages and racks, longlines and submerged lines used for aquaculture, together with their associated baskets, barrels, lanterns and other culture units;

**finfish** means all members of the classes *Myxini*, *Actinopterygii* and *Elasmobranchii*;

**GDA94** means the Geocentric Datum of Australia 1994;

**large marine vertebrates** means sharks, seals, sea lions, dolphins and whales;

**lease area** means the area of the lease described on the public register under section 80 of the Act;

**licence area** means the area of the licence described on the public register under section 80 of the Act;

**licensee** means the holder of an aquaculture licence;

**prescribed wild caught tuna** means members of the genera *Allothunnus*, *Auxis*, *Euthunnus*, *Katsuwonus*, and *Thunnus* that have been taken from the wild;

**protected animal** means—

- (a) a protected animal within the meaning of the *National Parks and Wildlife Act 1972*; or
- (b) a great white shark (*Carcharodon carcharias*);

**reporting day**, in relation to a licence, means the day falling 1 month before the anniversary of the day on which the licence was granted;

**reporting year**, in relation to a licence, means the 12 months preceding the day falling 2 months before the anniversary of the day on which the licence was granted;

**sea cage** means a floating farming structure used for aquaculture comprised of or incorporating a net;

**WGS84** means the World Geodetic System 1984;

**zone** means an aquaculture zone, a prospective aquaculture zone, an aquaculture exclusion zone or an aquaculture emergency zone.

- (2) Without limiting when the number of aquatic organisms farmed under a licence that die within a period of 24 hours will be taken to be **unusually high**, the number will be taken to be unusually high if it is 20% (or more) greater than the average number of aquatic organisms farmed under the licence that have died each day over the preceding 3 months.

### 3A—Approval of Minister

- (1) An approval given by the Minister under these regulations to a licensee may be subject to conditions.
- (2) A licensee must comply with the conditions of an approval given to the licensee by the Minister under these regulations.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## Part 2—General provisions supporting Act

### 4—Procedures for making aquaculture policies

For the purposes of section 12(4)(a) of the Act, the following bodies are prescribed:

- (a) Aboriginal Legal Rights Movement Incorporated;
- (b) Conservation Council of South Australia Incorporated;
- (c) Local Government Association of South Australia;
- (d) Seafood Council SA;
- (e) SA Fishing Industry Council Incorporated;
- (f) South Australian Aquaculture Council;
- (g) South Australian Recreational Fishing Advisory Council;
- (h) if the policy is expressed to apply only in relation to 1 or more zones or areas—
  - (i) any registered representatives of native title holders or claimants to native title in land comprising or forming part of a zone or area to which the policy applies; and
  - (ii) any person holding an aquaculture licence or aquaculture lease over an area comprising or forming part of a zone or area to which the policy applies; and
  - (iii) any regional NRM Board (within the meaning of the *Natural Resources Management Act 2004*) responsible for a region comprising or forming part of a zone or area to which the policy applies;
- (i) if the policy is not expressed to apply only in relation to 1 or more zones or areas—all regional NRM Boards (within the meaning of the *Natural Resources Management Act 2004*).

### 5—Amendment of aquaculture policies by notice in Gazette

The Minister may, by notice in the Gazette under section 14(1) of the Act, amend an aquaculture policy in order to make a change of the following kind:

- (a) for identifying, varying the boundaries of, or revoking, an aquaculture emergency zone;
- (b) if in the opinion of the Minister there is ambiguity as to the boundary of an aquaculture zone, prospective aquaculture zone, aquaculture exclusion zone or aquaculture emergency zone—to remove the ambiguity.

### 6—Transfer of production leases

For the purposes of section 39(2) of the Act, the following details are prescribed:

- (a) the full name, address and telephone number of the transferor and transferee;
- (b) the number of the production lease.

## 7—Reference of matters to EPA

For the purposes of section 59(3) of the Act, the prescribed period is 6 weeks.

## 8—Aquaculture Resource Management Fund

For the purposes of section 79(3) of the Act—

- (a) the prescribed percentage of fees (other than expiation fees) paid under the Act is 100%; and
- (b) the prescribed percentage of penalties recovered in respect of offences against the Act is 100%.

# Part 3—Regulation of licensed activities

## Division 1—General

### 9—Aquaculture waste

- (1) A licensee must ensure that—
  - (a) aquaculture waste does not cause an unsightly or offensive condition at the licence area; and
  - (b) aquaculture waste is secured or treated in a manner designed to prevent it being blown, washed or swept off the licence area.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A licensee must ensure that if aquaculture waste is blown, washed or swept off the licence area it is recovered as soon as practicable.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### 10—Use of chemicals

- (1) A licensee must ensure that a substance is not used for therapeutic or prophylactic purposes or as an antifoulant in the course of aquaculture carried on under the licence unless—
  - (a) it is a registered veterinary chemical product, within the meaning of the *Agricultural and Veterinary Products (Control of Use) Act 2002*, and is used in accordance with—
    - (i) the instructions on the approved label for the product within the meaning of that Act; or
    - (ii) a permit within the meaning of that Act; or
  - (b) the licensee has obtained the written approval of the Minister to use the substance in that way.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A licensee must ensure that a substance is not used as a disinfectant in the course of aquaculture carried on under the licence unless—

- (a) it is 1 of the following:

Citric acid

Hydrogen peroxide

Iodophore

Sodium carbonate

Sodium hydroxide

Sodium hypochlorite

Virkon (registered trademark); or

- (b) the licensee has obtained the written approval of the Minister to use the substance in that way.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **11—Notification of unusually high mortality rate and duty to isolate unaffected organisms**

If an unusually high number of aquatic organisms farmed under a licence die within a period of 24 hours (see regulation 3(2)) and the cause is not immediately apparent, the licensee must ensure that—

- (a) the Minister is immediately notified by means of a telephone call to the number provided to the licensee for the purpose; and
- (b) the Minister is, as soon as practicable after having been notified, given a written and signed notice containing the following:
- (i) the licence number;
  - (ii) the name of the species affected;
  - (iii) the number or biomass (or an estimate of the number or biomass) of aquatic organisms that have died;
  - (iv) details of any clinical signs observable in the organisms prior to death;
  - (v) the number or biomass (or an estimate of the number or biomass) of aquatic organisms that show similar clinical signs but have not died;
  - (vi) details of circumstances that may be contributing factors such as extreme weather, power failures, poor water quality or water temperature; and
- (c) all reasonable steps are taken to isolate aquatic organisms apparently affected from aquatic organisms not apparently affected.

Maximum penalty: \$5 000.

Expiation fee: In the case of an offence against paragraph (a) or paragraph (b)—\$315.

---

## 12—Aquatic organisms affected with disease

- (1) If a licensee knows, or ought reasonably to know, that an aquatic organism proposed to be introduced into the licence area is or may be affected with a disease, the licensee must ensure that the aquatic organism is not introduced into the licence area without the prior written approval of the Minister.

Maximum penalty: \$5 000.

- (2) If a licensee knows, or ought reasonably to know, that an aquatic organism being farmed under the licence is or may be affected with a disease, the licensee must ensure that the aquatic organism is not removed from the licence area unless—

- (a) it is removed for testing; or
- (b) it is removed for disposal (other than by sale or supply to another); or
- (c) it is removed in accordance with the written approval of the Minister obtained by the licensee.

Maximum penalty: \$5 000.

- (3) If an unusually high number of aquatic organisms farmed under a licence die within a period of 24 hours (see regulation 3(2)) and the cause is not immediately apparent, the licensee will be taken to know that the aquatic organisms may be affected with a disease.

## 13—Stock register

- (1) A licensee must maintain a stock register in accordance with this regulation.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The stock register must contain (in a readily understandable and legible form)—

- (a) the following information in respect of aquatic organisms supplied to the licensee:
  - (i) the date on which the aquatic organisms were received by the licensee;
  - (ii) the name and address of the person who supplied the aquatic organisms;
  - (iii) the species of aquatic organisms;
  - (iv) the number or biomass of aquatic organisms received;
  - (v) the age or developmental stage of the aquatic organisms when received;
  - (vi) details identifying the place at which the aquatic organisms were last reared before supply or the place at which the aquatic organisms were collected;
  - (vii) a copy of any health certification that accompanied the aquatic organisms; and
- (b) the following information in respect of aquatic organisms collected by the licensee:

- (i) details identifying the authority under the *Fisheries Act 1982* under which the aquatic organisms were collected;
  - (ii) the date the aquatic organisms were collected;
  - (iii) details identifying the place at which the aquatic organisms were collected;
  - (iv) the species of aquatic organisms;
  - (v) the number or biomass of aquatic organisms collected;
  - (vi) the age or developmental stage of the aquatic organisms when collected; and
- (c) the following information in respect of aquatic organisms bred by the licensee:
  - (i) the date (or an estimate of the date) the aquatic organisms were bred;
  - (ii) the species of aquatic organisms;
  - (iii) details identifying the broodstock used to breed the aquatic organisms;
  - (iv) the number or biomass (or an estimate of the number or biomass) of aquatic organisms bred; and
- (d) the following information in respect of aquatic organisms supplied by the licensee to another person:
  - (i) the date on which the aquatic organisms were supplied;
  - (ii) the name and address of the person to whom the aquatic organisms were supplied;
  - (iii) the species of aquatic organisms;
  - (iv) the number or biomass of aquatic organisms supplied;
  - (v) the age or developmental stage of the aquatic organisms when supplied;
  - (vi) a copy of any health certification provided by the licensee to accompany the aquatic organisms; and
- (e) the following information in respect of aquatic organisms that have died during aquaculture:
  - (i) the species of aquatic organisms;
  - (ii) the date (or an estimate of the date) the aquatic organisms died;
  - (iii) the number or biomass (or an estimate of the number or biomass) of aquatic organisms that have died;
  - (iv) the age or developmental stage of the aquatic organisms at death;
  - (v) a description of how and where the aquatic organisms were disposed of; and
- (f) details of treatment administered for therapeutic or prophylactic purposes to aquatic organisms kept under the licence including—



- (i) the reasons for the treatment; and
  - (ii) the dates on which the treatment was administered; and
  - (iii) the name (including trade or patent name) of each substance used as part of the treatment and the dosages or amounts administered; and
  - (iv) information that identifies the aquatic organisms that received treatment by reference to tank or cage number or by other means.
- (3) A record required to be entered in the stock register must be entered within 7 days after the event to which it relates.
- (4) A record entered in the stock register must be retained for 5 years from the date on which it was entered.

#### **14—Periodic returns**

A licensee must, on a date or dates determined by the Minister in each year, provide the Minister with a periodic return containing such information as the Minister requires in the manner and form determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **Division 2—Aquaculture in State waters**

#### **15—Application of Division**

This Division applies to aquaculture leases and to aquaculture licences authorising aquaculture in an area comprised of State waters or State waters and adjacent land within the meaning of the *Harbors and Navigation Act 1993*.

#### **16—Requirement to mark-off area and maintain structures or equipment used to mark-off area**

The holder of an aquaculture lease is guilty of an offence if—

- (a) the boundaries of the marked-off area of the lease are not marked off or indicated in the manner required under the conditions of the lease or a corresponding licence; or
- (b) the structures or equipment used to mark off or indicate the boundaries of the marked-off area of the lease under the conditions of the lease or a corresponding licence are not maintained in good working condition.

Maximum penalty: \$5 000.

Expiation fee: \$315.

#### **17—Farming structures**

- (1) A licensee must ensure that—
- (a) sea cages used for aquaculture are clearly marked with the licence number; and
  - (b) farming structures being used for aquaculture are—
    - (i) except when being placed into position, moved or recovered—

- (A) securely fixed or moored in place so as to remain wholly within the licence area; and
- (B) anchored in a manner that minimises the impact on the benthos; and
- (ii) maintained in good working condition; and
- (c) equipment used to secure, anchor or mark the position of a farming structure is located wholly within the licence area; and
- (d) if the aquaculture involves the use of a floating culture unit in subtidal waters—the distance between the unit and the sea floor is at least 3 metres at all times unless otherwise approved in writing by the Minister; and
- (e) stocked sea cages are not located in the same place that stocked sea cages have been located within the preceding 12 months.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A licensee must ensure that if a farming structure used for aquaculture, or any equipment used to secure, anchor or mark the position of the structure, is blown, washed or swept off the licence area, the structure or equipment is recovered as soon as practicable.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **18—Health certificates for abalone farmed on navigable vessel**

- (1) A licensee authorised to carry on abalone aquaculture on a navigable vessel as it operates within an area of State waters must ensure that the following requirements are complied with in respect of aquaculture stock brought on to the vessel:
  - (a) the aquaculture stock must be comprised of abalone that have been hatchery reared in South Australia;
  - (b) the abalone must be accompanied by a certificate—
    - (i) that is in a form approved by the Minister; and
    - (ii) that has been issued—
      - (A) by a veterinary diagnostic laboratory accredited by the National Association of Testing Authorities; and
      - (B) within the previous 14 days; and
      - (C) following examination of at least 30 abalone; and
    - (iii) that certifies that the abalone in the test sample are not affected with a notifiable condition within the meaning of the *Livestock Act 1997* and do not display signs of being affected with a disease;
  - (c) at least 2 days before the abalone are brought on to the vessel the Minister must be provided with a copy of the certificate referred to in paragraph (b).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A licensee authorised to carry on abalone aquaculture on a navigable vessel as it operates within an area of State waters must ensure that at least once in each 6 month period the Minister is provided with a copy of a certificate—
- (a) that is in a form approved by the Minister; and
  - (b) that has been issued—
    - (i) by a veterinary diagnostic laboratory accredited by the National Association of Testing Authorities; and
    - (ii) within the previous 14 days; and
    - (iii) following examination of at least 30 abalone that have been farmed on the vessel for at least 1 month; and
  - (c) that certifies that the abalone in the test sample are not affected with a notifiable condition within the meaning of the *Livestock Act 1997* and do not display signs of being affected with a disease.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **19—Strategies relating to escape of stock and interaction with seabirds and large marine vertebrates**

- (1) A licensee must—
- (a) have a written strategy approved by the Minister—
    - (i) for minimising the risk of the escape of aquaculture stock into the wild; and
    - (ii) for minimising adverse interactions with seabirds and large marine vertebrates resulting from aquaculture carried on under the licence; and
  - (b) ensure that activities under the licence conform with the approved strategy.
- Maximum penalty: \$5 000.
- (2) If, at any time, the Minister is not satisfied as to the adequacy of an approved strategy, the Minister may require the strategy to be resubmitted for approval within a specified period in a modified form (which may be specified by the Minister).
- (3) If a licensee fails to resubmit a strategy as required, the licensee is guilty of an offence.
- Maximum penalty: \$5 000.
- Expiation fee: \$315.
- (4) Before requiring a strategy to be resubmitted, the Minister must give the licensee written notice of the proposed action, inviting the licensee to make written submissions in relation to the proposed action within a period specified in the notice (being not less than 14 days from the day on which the notice is given to the licensee).
- (5) Subregulation (1) does not apply to a licensee who held a licence immediately before the commencement of this regulation until 6 months after that commencement.

- (6) A licensee who held a licence immediately before the commencement of this regulation must submit a written strategy (as referred to in subregulation (1)) for approval within 3 months after the commencement of this regulation.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **20—Notification of entanglement of certain animals**

If a protected animal becomes confined in or entangled in a farming structure or other equipment used in connection with aquaculture, the licensee must—

- (a) immediately after becoming aware of the situation notify the Minister by means of a telephone call to the number provided to the licensee for the purpose; and
- (b) within 2 days after becoming aware of the situation notify the Minister in writing of the action taken to deal with the situation.

Maximum penalty: \$5 000.

## **21—Notification of escape of stock or damage that may lead to escape of stock**

A licensee must—

- (a) within 12 hours after becoming aware of the escape of hatchery reared aquaculture stock or damage to a farming structure, or to other equipment, that may lead to the escape of hatchery reared aquaculture stock, notify the Minister (by means of a telephone call or fax to the number provided to the licensee for the purpose) of the escape or damage, including the following details:
  - (i) the species of aquatic organisms affected;
  - (ii) the date (or an estimate of the date) on which the escape or damage took place;
  - (iii) the number and biomass (or an estimate of the number and biomass) of aquatic organisms that have escaped;
  - (iv) the age or developmental stage of the aquatic organisms at the time of their escape;
  - (v) details of the circumstances in which the escape or damage took place; and
- (b) within 7 days after becoming aware of the escape or damage notify the Minister in writing of the action taken to deal with it.

Maximum penalty: \$5 000.

Expiation fee: In the case of an offence against paragraph (b)—\$315.

## **22—Environmental monitoring and reporting—farming of molluscs in subtidal area**

- (1) If a licence authorises the farming of molluscs in a subtidal area, the licensee must cause a benthic assessment recording to be made as follows:
  - (a) a colour videotape of the sea floor must be made at least once each reporting year at approximately the same time in each year;

- 
- (b) the underwater path videotaped must transect at least 100 metres of the licence area, originating within the licence area, proceeding parallel to and within 2 metres of longlines or other farming structures and finishing at least 50 metres outside the boundary of the licence area;
  - (c) the path must include at least 1 anchor of a farming structure and an area of at least 1 metre of the sea floor either side of the anchor;
  - (d) the path must follow, as close as practically possible, a straight line;
  - (e) the same path must be videotaped each reporting year;
  - (f) the videotape must be continuously recorded from start to finish with no editing breaks;
  - (g) the videotape must start and finish with an above water 360° pan of the horizon lasting at least 30 seconds per pan;
  - (h) a minimum width of 2 metres of sea floor must be in the field of view at all times;
  - (i) the angle of videotaping to the sea floor must be approximately 45°;
  - (j) the correct date and time must be continuously present on the videotape;
  - (k) footage must be steady and taken at a very slow pace of approximately 1 metre every 2 to 4 seconds and must stop at the site of any anchor videotaped for at least 30 seconds;
  - (l) the camera lens must be focussed on the sea floor at all times;
  - (m) the path videotaped must be adequately lit to show benthic flora and fauna colours (so that the lighting level is equivalent to that produced by 2 high intensity discharge underwater metal halide 10 watt lamps);
  - (n) the videotape must be examined after the recording and, if it is not of sufficient quality to enable a satisfactory assessment of the benthic environment of the path required to be videotaped, a further recording must be made;
  - (o) a written record must be made of the location (using WGS84 or GDA94 datum) of the start and finish of the path videotaped and of the date and time of the start and finish of the videotaping;
  - (p) a written record must be made detailing each of the following for each 10 metres of the path videotaped:
    - (i) the level of sedimentary disturbance resulting from biological activity (bioturbation);
    - (ii) undulation;
    - (iii) natural organic waste;
    - (iv) aquaculture waste including detached farming shell debris;
    - (v) sand colour;
    - (vi) macroalgal cover;
    - (vii) seagrass cover;

- (viii) microbial mats (for example, *Beggiatoa sp*);
- (ix) blue-green algal mats;
- (x) sponge cover;
- (xi) the presence of—
  - (A) holothurians (sea cucumbers);
  - (B) ascidians (sea squirts);
  - (C) razor fish (*Pinna sp*);
  - (D) scallops;
  - (E) crabs;
  - (F) gastropods;
  - (G) fish;
  - (H) seahorses and sea dragons.

Maximum penalty: \$5 000.

- (2) If a licence authorises the farming of molluscs in a subtidal area, the licensee must, on or before the reporting day in each year, provide to the Minister a report for the preceding reporting year—
  - (a) containing the following:
    - (i) a map showing—
      - (A) the boundary of the licence area; and
      - (B) the location (using WGS84 or GDA94 datum) of the corners of the licence area; and
      - (C) the location (using WGS84 or GDA94 datum) of farming structures and the number, dimensions and spacing of the structures; and
      - (D) the location (using WGS84 or GDA94 datum) of the underwater path videotaped for the benthic assessment recording;
    - (ii) for each month—
      - (A) the amount and type of supplemental feed used in the licence area; and
      - (B) the amount and type of chemicals (including but not limited to therapeutic or prophylactic substances, antifoulants and disinfectants) used in the licence area;
    - (iii) such of the following details as are known about interaction that has occurred between large marine vertebrates and farming structures or equipment, personnel or aquaculture stock:
      - (A) the date of the interaction;
      - (B) the species of marine vertebrate involved;
      - (C) the location of the interaction;

- (D) a description of the nature of the interaction;
  - (iv) if the author of the report is not the licensee—the author's name and address; and
  - (b) accompanied by a copy of the benthic assessment recording made for the reporting year (in a format approved by the Minister) and the records made in conjunction with the recording.
- Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (3) This regulation does not apply to a licence authorising the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters.

### **23—Environmental monitoring and reporting—farming of molluscs in intertidal area**

If a licence authorises the farming of molluscs in an intertidal area, the licensee must, on or before the reporting day in each year, provide to the Minister a report for the preceding reporting year containing the following:

- (a) a map showing—
  - (i) the boundary of the licence area; and
  - (ii) the location (using WGS84 or GDA94 datum) of the corners of the licence area; and
  - (iii) the location (using WGS84 or GDA94 datum) of farming structures and the number, dimensions and spacing of the structures;
- (b) for each month—
  - (i) the number of pacific oysters found in the licence area and not contained within a farming structure; and
  - (ii) the location in which they were found; and
  - (iii) a statement of whether they have been removed;
- (c) for each month—the amount and type of chemicals (including but not limited to therapeutic or prophylactic substances, antifoulants and disinfectants) used in the licence area;
- (d) such of the following details as are known about interaction that has occurred between large marine vertebrates and farming structures or equipment, personnel or aquaculture stock:
  - (i) the date of the interaction;
  - (ii) the species of marine vertebrate involved;
  - (iii) the location of the interaction;
  - (iv) a description of the nature of the interaction;
- (e) if the author of the report is not the licensee—the author's name and address.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **24—Environmental monitoring and reporting—farming of finfish**

- (1) If a licence authorises the farming of finfish, the licensee must cause a benthic assessment recording to be made as follows:
  - (a) a colour videotape of the sea floor must be made at least once each reporting year at approximately the same time in each year;
  - (b) at least 3 underwater paths must be videotaped as follows:
    - (i) 1 must be within the licence area originating as close as practicable to the side of a sea cage used for aquaculture under the licence and proceeding in the direction of the prevailing current (down current) for 150 metres; and
    - (ii) 1 must be within the licence area originating as close as practicable to the opposite side of the same sea cage and proceeding in the opposite direction of the prevailing current (up current) for 150 metres; and
    - (iii) 1 must be outside the licence area originating at the midpoint of the prevailing down current boundary of the licence area and proceeding at right angles to the boundary for 150 metres (the *off-site transect*);
  - (c) the same off-site transect must be videotaped each year;
  - (d) the videotape of each path must be continuously recorded from start to finish with no editing breaks;
  - (e) the videotape of each path must start and finish with an above water 360° pan of the horizon lasting at least 30 seconds per pan;
  - (f) a minimum width of 2 metres of sea floor must be in the field of view at all times;
  - (g) the angle of videotaping to the sea floor must be approximately 45°;
  - (h) the correct date and time must be continuously present on the videotape;
  - (i) footage must be steady and taken at a very slow pace of approximately 1 metre every 2 to 4 seconds;
  - (j) the camera lens must be focussed on the sea floor at all times;
  - (k) each path videotaped must be adequately lit to show benthic flora and fauna colours (so that the lighting level is equivalent to that produced by 2 high intensity discharge underwater metal halide 10 watt lamps);
  - (l) the videotape must be examined after the recording and, if it is not of sufficient quality to enable a satisfactory assessment of the benthic environment of the paths required to be videotaped, a further recording must be made;
  - (m) a written record must be made of—
    - (i) the location (using WGS84 or GDA94 datum) of the start and finish of each path videotaped and of the date and time of the start and finish of the videotaping of each path; and
    - (ii) the location of the sea cage concerned (using WGS84 or GDA94 datum);



- 
- (n) a written record must be made detailing each of the following for each 10 metres of each path videotaped:
- (i) the level of sedimentary disturbance resulting from biological activity (bioturbation);
  - (ii) undulation;
  - (iii) natural organic waste;
  - (iv) aquaculture waste including waste baitfish and pellets;
  - (v) sand colour;
  - (vi) macroalgal cover;
  - (vii) seagrass cover;
  - (viii) microbial mats (for example, *Beggiatoa sp*);
  - (ix) blue-green algal mats;
  - (x) sponge cover;
  - (xi) the presence of—
    - (A) holothurians (sea cucumbers);
    - (B) ascidians (sea squirts);
    - (C) razor fish (*Pinna sp*);
    - (D) scallops;
    - (E) crabs;
    - (F) gastropods;
    - (G) fish;
    - (H) seahorses and sea dragons.

Maximum penalty: \$5 000.

- (2) However, subregulation (1) only applies in a particular reporting year to a licence authorising the farming of prescribed wild caught tuna if the Minister notifies the licensee in writing of its application at least 1 month before the commencement of the reporting year.
- (3) The Minister may, by notice in writing to a licensee authorised to farm finfish, require the licensee to prepare, within a period specified in the notice (but not more than once in each reporting year) a report on the health of benthic infaunal communities in the licence area and to take and analyse samples as specified in the notice for the purposes of the report.
- (4) A licensee must comply with a notice given under subregulation (3).  
Maximum penalty: \$5 000.
- (5) If a licence authorises the farming of finfish, the licensee must, on or before the reporting day in each year, provide to the Minister a report for the preceding reporting year—
- (a) containing the following:

- (i) a map showing—
    - (A) the boundary of the licence area; and
    - (B) the location (using WGS84 or GDA94 datum) of the corners of the licence area; and
    - (C) the location (using WGS84 or GDA94 datum) of farming structures and the number, dimensions and spacing of the structures; and
    - (D) the location (using WGS84 or GDA94 datum) of fallowed areas and the period for which the areas were fallow; and
    - (E) if the licensee is required to make a benthic assessment recording—the location (using WGS84 or GDA94 datum) of each of the underwater paths videotaped for the benthic assessment recording;
  - (ii) for each month—
    - (A) an estimate of the number and biomass of finfish in the licence area; and
    - (B) the amount and type of supplemental feed used in the licence area; and
    - (C) the amount and type of chemicals (including but not limited to therapeutic or prophylactic substances, antifoulants and disinfectants) used in the licence area;
  - (iii) such of the following details as are known about interaction that has occurred between large marine vertebrates and farming structures or equipment, personnel or aquaculture stock:
    - (A) the date of the interaction;
    - (B) the species of marine vertebrate involved;
    - (C) the location of the interaction;
    - (D) a description of the nature of the interaction;
  - (iv) if the author of the report is not the licensee—the author's name and address; and
- (b) if the licensee is required to make a benthic assessment recording—accompanied by a copy of the benthic assessment recording made for the reporting year (in a format approved by the Minister) and the records made in conjunction with the recording; and
  - (c) if the licensee is required to prepare a report on the health of the benthic infaunal communities—accompanied by a copy of the report.

Maximum penalty: \$5 000.

Expiation fee: \$315.

---

**25—Environmental monitoring and reporting—navigable vessels**

- (1) If a licence authorises the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters, the licensee must carry out water testing as follows:
- (a) water samples must be collected at least 6 times per reporting year (at intervals not closer than 2 months) at approximately the same times and dates in each year;
  - (b) samples of water to be used for aquaculture on the vessel must be collected as follows:
    - (i) the samples must be representative samples of water to be used on the vessel;
    - (ii) 2 samples must be collected;
  - (c) samples of waste water discharged from the vessel must be collected as follows:
    - (i) the samples must be representative samples of water discharged from the vessel (after the water has been treated ready for discharge);
    - (ii) the samples must be of waste water resulting from the use of the water sampled under paragraph (b);
    - (iii) if there is only 1 point at which waste water is discharged from the vessel—at least 2 samples must be collected directly from the discharge point;
    - (iv) if there is more than 1 discharge point—a sample must be collected directly from at least 2 of the discharge points;
  - (d) the samples must be tested for oxidised nitrogen (as nitrogen  $\text{NO}_3 + \text{NO}_2$ ), ammonia (total as nitrogen  $\text{NH}_4 + \text{NH}_3$ ), soluble phosphorous and total suspended solids in an accredited laboratory;
  - (e) the samples must be collected in a manner and using containers that comply with the requirements of the testing laboratory.

Maximum penalty: \$5 000.

- (2) If a licence authorises the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters, the licensee must, on or before the reporting day in each year, provide to the Minister a report for the preceding reporting year—
- (a) containing the following:
    - (i) the dates on which water samples were collected;
    - (ii) for each month—
      - (A) the amount and type of supplemental feed used in aquaculture on the vessel; and
      - (B) the amount and type of chemicals (including but not limited to therapeutic or prophylactic substances, antifoulants and disinfectants) used in aquaculture on the vessel;

(iii) if the author of the report is not the licensee—the author's name and address; and

(b) accompanied by a copy of the results of the testing of the water samples provided by the laboratory.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **Division 3—Aquaculture not in State waters**

### **26—Application of Division**

This Division applies to aquaculture licences authorising aquaculture in an area not comprised of State waters or State waters and adjacent land within the meaning of the *Harbors and Navigation Act 1993*.

### **27—Environmental monitoring and reporting—general**

- (1) If the licence has been classified, under regulation 32(10), as a medium risk (*category B*) or high risk (*category C*) licence, the licensee must carry out water testing as follows:
  - (a) in the case of a licence that has been classified as a medium risk (*category B*) licence—water samples must be collected at least once each reporting year at approximately the same time and date from approximately the same locations;
  - (b) in the case of a licence that has been classified as a high risk (*category C*) licence—water samples must be collected at least 3 times per reporting year (at intervals not closer than 3 months) at approximately the same times and dates in each year from approximately the same locations;
  - (c) samples of water from the body of water from which water is obtained for aquaculture must be collected as follows:
    - (i) the samples must be representative samples of water used for aquaculture in the licence area;
    - (ii) if there is only 1 point at which waste water is discharged from the licence area—2 samples must be collected either from water located upstream of the aquaculture activity or from water that is at least 500 metres away from the discharge point;
    - (iii) if there is more than 1 discharge point—a sample must be collected from at least 2 different sites (separated from each other by at least 500 metres) either located upstream of the aquaculture activity or from water that is at least 500 metres away from a discharge point;
  - (d) samples of waste water discharged from the licence area must be collected as follows:
    - (i) the samples must be representative samples of water discharged from the licence area (if applicable, after the water has been treated ready for discharge);

- (ii) if there is only 1 point at which waste water is discharged from the licence area—at least 2 samples must be collected at a location adjacent to or directly from the discharge point;
- (iii) if there is more than 1 discharge point—a sample must be collected at a location adjacent to or directly from at least 2 of the discharge points;
- (e) the samples must be tested for oxidised nitrogen (as nitrogen  $\text{NO}_3 + \text{NO}_2$ ), ammonia (total as nitrogen  $\text{NH}_4 + \text{NH}_3$ ), soluble phosphorous and, except if there is a settlement pond for discharge waters, total suspended solids in an accredited laboratory;
- (f) the samples must be collected in a manner and using containers that comply with the requirements of the testing laboratory.

Maximum penalty: \$5 000.

- (2) A licensee must, on or before the reporting day in each year, provide to the Minister a report for the preceding reporting year—
  - (a) containing the following:
    - (i) a map showing the location relative to land holding boundaries of the following:
      - (A) farming structures (and also showing the number and dimensions of the structures);
      - (B) intake and discharge pipes used in the course of carrying on aquaculture;
      - (C) sheds or other structures used in the course of carrying on aquaculture;
      - (D) bodies of water in the vicinity that have the potential to be affected by the aquaculture;
      - (E) if the licensee is required to carry out water testing—the places at which water samples were collected;
    - (ii) in respect of water used in the course of aquaculture—
      - (A) a description of where and how the water has been sourced; and
      - (B) a statement of whether the water was fresh, brackish or saline; and
      - (C) for each month—the volume in litres of water used;
    - (iii) in respect of water discharged from farming structures—
      - (A) a description of where and how the water has been discharged (including details of bodies of water to which it has been discharged); and
      - (B) a statement of whether the water has been treated before discharge and, if it has, a statement of how the water has been treated; and

- (C) for each month—the volume in litres of water discharged;
- (iv) if the licensee is required to carry out water testing—the dates on which water samples were collected;
- (v) for each month—
  - (A) the amount and type of supplemental feed used in connection with each farming structure in the licence area; and
  - (B) the amount and type of chemicals (including but not limited to therapeutic or prophylactic substances, antifoulants and disinfectants) used in the licence area;
- (vi) if the author of the report is not the licensee—the author's name and address; and
- (b) if the licensee is required to carry out water testing—accompanied by a copy of the results of the testing of the water samples provided by the laboratory.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **28—Environmental monitoring and reporting—live organisms reared during transport**

- (1) If a licence authorises the use of a farming structure designed to be transported by road or rail, the licensee must carry out water testing as follows:
  - (a) water samples must be collected at least 3 times per reporting year (at intervals not closer than 3 months) at approximately the same times and dates in each year;
  - (b) samples of waste water discharged from the structure must be collected as follows:
    - (i) the samples must be representative samples of water discharged from the structure;
    - (ii) if there is only 1 point at which waste water is discharged from the structure—at least 2 samples must be collected directly from the discharge point;
    - (iii) if there is more than 1 discharge point—a sample must be collected directly from at least 2 of the discharge points;
  - (c) the samples must be tested for oxidised nitrogen (as nitrogen  $\text{NO}_3 + \text{NO}_2$ ), ammonia (total as nitrogen  $\text{NH}_4 + \text{NH}_3$ ), soluble phosphorous and total suspended solids in an accredited laboratory;
  - (d) the samples must be collected in a manner and using containers that comply with the requirements of the testing laboratory.

Maximum penalty: \$5 000.

- 
- (2) If a licence authorises the use of a farming structure designed to be transported by road or rail, the licensee must, on or before the reporting day in each year, provide to the Minister a report for the preceding reporting year—
- (a) containing the following:
    - (i) the dates on which water samples were collected;
    - (ii) for each month—
      - (A) the amount and type of supplemental feed used in the structure; and
      - (B) the amount and type of chemicals (including but not limited to therapeutic or prophylactic substances, antifoulants and disinfectants) used in the structure;
    - (iii) if the author of the report is not the licensee—the author's name and address; and
  - (b) accompanied by a copy of the results of the testing of the water samples provided by the laboratory.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## Part 4—Miscellaneous

### 28A—Division of lease area

- (1) The Minister may, on application by the holder of a development lease or production lease for division of the lease area into separate lease areas—
- (a) substitute the original lease with leases of the same kind over the separate lease areas; and
  - (b) substitute the corresponding licences relating to the original lease with corresponding licences relating to the substituted leases.
- (2) The following rules apply to the substitution of leases and corresponding licences under this regulation:
- (a) there must be no change in the persons holding a lease or corresponding licence;
  - (b) the substituted leases must be for the balance of the term of the original lease;
  - (c) the lease areas of the substituted leases must together make up the lease area of the original lease;
  - (d) the area in which a licensee is authorised to carry on aquaculture must not be altered;
  - (e) the conditions of a substituted lease or corresponding licence must be the same as the conditions of the original lease or corresponding licence, except for conditions designating a lease area or licence area, conditions relating to marking out the boundaries of a lease area or licence area or conditions relating a licence to a lease.

- (3) An application for division of a lease area into separate lease areas—
  - (a) must be made to the Minister in the manner and form required by the Minister; and
  - (b) must be accompanied by a plan delineating—
    - (i) the lease area of the original lease; and
    - (ii) the licence areas of the corresponding licences relating to the original lease; and
    - (iii) the separate lease areas into which the original lease area is to be divided; and
    - (iv) the licence areas of the corresponding licences that are to relate to the substituted leases over the separate lease areas; and
  - (c) must be accompanied by the fee set out in Schedule 1.
- (4) The applicant must provide the Minister with any information required by the Minister in connection with the determination of the application, verified, if the Minister so requires, by statutory declaration.
- (5) While a licensee continues to hold a number of corresponding licences over adjoining licence areas as a result of the substitution of the licences under this regulation, the licences will, for the purposes of these regulations, be treated as a single licence held by the licensee over the aggregate of the adjoining licence areas.

#### **28B—Division of licence area**

- (1) The Minister may, on application by the holder of an aquaculture licence for division of the licence area into separate licence areas, substitute the original licence with licences over the separate licence areas.
- (2) The following rules apply to the substitution of licences under this regulation:
  - (a) there must be no change in the persons holding a licence;
  - (b) the substituted licences must be for the balance of the term of the original licence;
  - (c) the licence areas of the substituted licences must together make up the licence area of the original licence;
  - (d) the conditions of a substituted licence must be the same as the conditions of the original licence, except for conditions designating a licence area or conditions relating to marking out the boundaries of a licence area.
- (3) An application for division of a licence area into separate licence areas—
  - (a) must be made to the Minister in the manner and form required by the Minister; and
  - (b) must be accompanied by a plan delineating—
    - (i) the licence area of the original licence; and
    - (ii) the separate licence areas into which the original licence area is to be divided; and
  - (c) must be accompanied by the fee set out in Schedule 1.



- 
- (4) The applicant must provide the Minister with any information required by the Minister in connection with the determination of the application, verified, if the Minister so requires, by statutory declaration.

### 29—Defects in applications

- (1) The Minister may request an applicant to remedy a defect or deficiency in an application or accompanying document or information required by or under the Act or these regulations.
- (2) If an applicant in relation to whom a request has been made under subregulation (1) fails to comply with the request within 3 months, the Minister may refuse the application.

### 30—Powers of fisheries officer

- (1) A fisheries officer may—
- (a) require a person who is required to keep records under these regulations or in accordance with licence conditions to produce the records for inspection; and
  - (b) make copies of or take extracts from those records; and
  - (c) take photographs, films or audio, video or other recordings for the purposes of the administration or enforcement of the Act or these regulations.
- (2) Part 3 Division 3 of the *Fisheries Act 1982* is to be read as if—
- (a) the additional powers conferred on fisheries officers by this regulation were conferred by section 28 of that Act; and
  - (b) section 28(2b)(a) read as follows:
    - (a) the premises are used by a licensee for activities authorised by the licence; or

### 31—Exemptions

- (1) Subsections (2) to (6) (inclusive) of section 12 of the Act do not apply to an aquaculture policy providing for amendment of the *Aquaculture (Standard Lease Conditions) Policy 2005* in the form set out in Schedule 2.
- (2) Section 17 of the Act does not apply to aquaculture carried on through the South Australian Research and Development Institute.
- (3) Section 19 of the Act does not apply to an aquaculture licence authorising the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters.
- (4) The following exemptions apply in relation to an application by a transitional lessee for the grant of a development lease over the transitional lease area, and an application by a transitional licensee for the grant of a corresponding licence relating to such a development lease:
- (a) section 32 of the Act does not apply—the development lease may be granted to the transitional lessee in respect of an area whether or not it comprises or includes State waters within an aquaculture zone;
  - (b) section 33 of the Act does not apply—the development lease may be granted to the transitional lessee without an allocation process being undertaken;

- (c) section 50(1)(b) of the Act does not apply—the Minister may decide that a corresponding licence will be granted containing specified conditions in connection with the application by the transitional lessee for the development lease without causing public notice of the application to be published.
- (5) For the purposes of this regulation—
  - (a) a **transitional lease** is a production lease purportedly granted under clause 3 of the Schedule of the Act to a person who was, immediately before the commencement of that clause, an applicant for a licence authorising aquaculture operations; and
  - (b) a **transitional lessee** is a person who, immediately before the commencement of this subregulation, held a transitional lease or a lease derived from a transitional lease (whether or not through a purported transfer of the lease and whether or not there has been any purported alteration of the boundaries of the lease area); and
  - (c) a lease will be taken to be **derived** from a transitional lease if the lease is one of a number of leases purportedly substituted for the transitional lease; and
  - (d) a **transitional licensee** is a person who, immediately before the commencement of this subregulation, held a corresponding licence purportedly granted in relation to a transitional lease or a lease derived from a transitional lease.

### **32—Fees**

- (1) The fees set out in Schedule 1 are prescribed for the purposes of the Act and these regulations.
- (2) Subject to subregulation (3), a licensee authorised under an aquaculture licence to carry on aquaculture in a lease area must, before the payment date fixed by the Minister for the financial year by written notice given to the licensee, pay to the Minister, in respect of each financial year, a fee of the amount set out in Schedule 1 Part 2.
- (3) If more than 1 amount set out in Schedule 1 Part 2 is applicable to a licence, the higher or highest of those amounts will be taken to be the amount of the fee payable under subregulation (2).
- (4) A licensee authorised under an aquaculture licence to carry on aquaculture in an area other than a lease area must, before the payment date fixed by the Minister for the financial year by written notice given to the licensee, pay to the Minister, in respect of each financial year, a fee of the amount set out in Schedule 1 Part 3.
- (5) A person who applies for an aquaculture licence must, before the licence is granted, pay to the Minister a fee of an amount calculated by multiplying—
  - (a) the periodic fee that would have been payable by the person had the person held the licence at the last date for payment of periodic fees; and
  - (b) the proportion that the number of whole months between the grant of the licence and the next 30 June bears to 12 months.
- (6) The Minister may enter into an arrangement with a person for payment of a periodic fee by instalments.

- 
- (7) The Minister may waive or refund a fee (or part of a fee) payable under the Act or these regulations if satisfied that it is appropriate to do so in a particular case.
- (8) A fee payable to the Minister under the Act or these regulations may be recovered by the Minister by action in a court of competent jurisdiction as a debt due to the Minister.
- (9) The amount of an application fee in Schedule 1 comprising an advertising component must be refunded to the extent that it is not used for advertising in respect of the application.
- (10) For the purposes of Schedule 1—
- (a) the Minister must classify each licence other than a corresponding licence as a low risk (*category A*), medium risk (*category B*) or high risk (*category C*) licence having regard to factors affecting the ecological sustainability of aquaculture authorised by the licence, including—
    - (i) any discharge of water from the licence area and the treatment of that water prior to discharge; and
    - (ii) whether or not the species to be farmed are native to the locality of the licence area; and
    - (iii) the susceptibility of the species to be farmed to notifiable disease within the meaning of the *Livestock Act 1997*; and
  - (b) the Minister may vary the classification of a licence by written notice to the licensee; and
  - (c) the Minister must classify each variation of licence conditions as a simple, standard or complex variation having regard to the extent to which the variation involves factors affecting the ecological sustainability of aquaculture authorised by the licence, including—
    - (i) whether the variation involves any of the following:
      - (A) a change in the species to be farmed;
      - (B) an increase in the scale or intensity of farming;
      - (C) a change in the type of farming structures or method used;
      - (D) a change that will require reclassification of the licence as a low risk (*category A*), medium risk (*category B*) or high risk (*category C*) licence; and
    - (ii) in the case of a corresponding licence, a consideration of the following:
      - (A) whether the licence area is in an aquaculture zone (where risks affecting ecological sustainability have been more generally assessed);
      - (B) whether the licence area has previously been farmed;
      - (C) whether the licence area is being varied.

## Schedule 1—Fees

### Part 1—Application fees

1	On application for consent to transfer a development lease (section 36)	\$525
2	On application for an aquaculture licence (section 49)—	
	(a) in the case of a corresponding licence within an aquaculture zone—	
	(i) administrative component	\$2 015
	(ii) advertising component	\$1 100
	(b) in the case of a corresponding licence outside of an aquaculture zone—	
	(i) administrative component	\$3 435
	(ii) advertising component	\$1 100
	(c) in the case of a licence other than a corresponding licence—	
	(i) for a low risk ( <i>category A</i> ) licence	
	(A) administrative component	\$1 350
	(B) advertising component	\$560
	(ii) for a medium risk ( <i>category B</i> ) licence	
	(A) administrative component	\$1 615
	(B) advertising component	\$560
	(iii) for a high risk ( <i>category C</i> ) licence	
	(A) administrative component	\$2 545
	(B) advertising component	\$560
3	On application to vary the conditions of an aquaculture licence (section 52)—	
	(a) in the case of a corresponding licence—	
	(i) for a simple variation	\$850
	(ii) for a standard variation	\$1 125
	(iii) for a complex variation	\$2 130
	(b) in the case of a licence other than a corresponding licence—	
	(i) for a simple variation	\$605
	(ii) for a standard variation	\$710
	(iii) for a complex variation	\$1 815
4	On application for renewal of an aquaculture licence (section 53)	\$420
5	On application for consent to transfer an aquaculture licence (section 55)—	
	(a) in the case of a corresponding licence	\$485
	(b) in the case of a licence other than a corresponding licence	\$400
6	On application for consent to surrender an aquaculture licence other than a corresponding licence (section 56)	\$295
7	On application for the division of a lease area into separate lease areas (regulation 28A)	\$1 005

8	On application for the division of a licence area into separate licence areas (regulation 28B)	\$765
9	On application for renewal of an aquaculture lease ( <i>Aquaculture (Standard Lease Conditions) Policy 2005</i> )	\$440
10	On application to vary an aquaculture lease or its conditions ( <i>Aquaculture (Standard Lease Conditions) Policy 2005</i> )—	
	(a) for a variation consisting of or involving—	
	(i) the substitution of the lease area (within or outside of an aquaculture zone) where at least 80% of the lease area will remain the same	\$1 065
	(ii) the substitution of the lease area within an aquaculture zone (other than a variation of a kind referred to in subparagraph (i))	\$1 795
	(iii) the substitution of the lease area outside of an aquaculture zone (other than a variation of a kind referred to in subparagraph (i))	\$2 540
	(b) for a variation of any other kind	\$650

**Part 2—Periodic fees for corresponding licences for the financial year 2008/09 and for each subsequent financial year**

11	For an aquaculture licence to farm prescribed wild caught tuna	\$1 630
12	For an aquaculture licence to farm finfish other than prescribed wild caught tuna	\$1 701
13	For an aquaculture licence to farm abalone in a subtidal area	\$1 673
14	For an aquaculture licence to farm molluscs other than abalone in a subtidal area	\$1 673
15	For an aquaculture licence to farm molluscs (including abalone, but not including oysters) in an intertidal area	\$1 644
15A	For an aquaculture licence to farm oysters in an intertidal area	\$291 plus \$147 for each hectare (rounded to 2 decimal places) in the licence area
16	For an aquaculture licence to farm algae	\$1 526
17	For an aquaculture licence authorising the storage of sea cages	\$1 526

**Part 3—Periodic fees for licences other than corresponding licences for the financial year 2008/09 and for each subsequent financial year**

18	For a low risk ( <i>category A</i> ) licence	\$282
19	For a medium risk ( <i>category B</i> ) licence—	
	(a) in the case of a licence authorising the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters or the use of a farming structure designed to be transported by road or rail	\$311
	(b) in any other case	\$296
20	For a high risk ( <i>category C</i> ) licence—	
	(a) in the case of a licence authorising the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters or the use of a farming structure designed to be transported by road or rail	\$4 121

(b) in any other case

\$311

## **Schedule 2—Aquaculture (Standard Lease Conditions) Amendment Policy 2008**

### **Part 1—Preliminary**

#### **1—Short title**

This policy may be cited as the *Aquaculture (Standard Lease Conditions) Amendment Policy 2008*.

#### **2—Amendment provisions**

In this policy, a provision under a heading referring to the amendment of a specified policy amends the policy so specified.

### **Part 2—Amendment of Aquaculture (Zones—Standard Lease Conditions) Policy 2005**

#### **3—Amendment of clause 2—Standard conditions of aquaculture lease**

Clause 2—after its present contents (now to be designated as subclause (1)) insert:

- (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.

#### **4—Insertion of clause 2A**

After clause 2 insert:

##### **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*.

#### **5—Amendment of clause 3—Variation of lease or lease conditions**

- (1) Clause 3(1)—delete "at the request" and substitute:

on application by

- (2) Clause 3—after subclause (1) insert:

(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*.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Aquaculture Regulations 2005* revoked the following:

*Aquaculture Regulations 2002*

### Legislation varied by principal regulations

The *Aquaculture Regulations 2005* varied the following:

*Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 2000*

*Fisheries (Fish Processors) Regulations 1991*

*Fisheries (General) Regulations 2000*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2005	205	<i>Gazette 22.9.2005 p3413</i>	1.10.2005: r 2
2006	11	<i>Gazette 19.1.2006 p300</i>	19.1.2006: r 2
2006	140	<i>Gazette 15.6.2006 p1876</i>	1.7.2006: r 2
2007	123	<i>Gazette 7.6.2007 p2473</i>	1.7.2007: r 2
2008	286	<i>Gazette 20.11.2008 p5200</i>	20.11.2008: r 2
<b>2009</b>	<b>54</b>	<b><i>Gazette 7.5.2009 p1704</i></b>	<b>7.5.2009: r 2</b>
2010	205	<i>Gazette 26.8.2010 p4612</i>	1.9.2010: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		



---

r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	19.1.2006
r 3		
r 3(1)		
lease area	inserted by 286/2008 r 4(1)	20.11.2008
prescribed wild caught tuna	inserted by 286/2008 r 4(2)	20.11.2008
tuna	<i>deleted by 286/2008 r 4(3)</i>	20.11.2008
r 3A	inserted by 11/2006 r 4	19.1.2006
Pt 3		
r 24		
r 24(2)	varied by 286/2008 r 5	20.11.2008
r 27		
r 27(1)	varied by 286/2008 r 6(1)—(3)	20.11.2008
Pt 4		
r 28A and 28B	inserted by 11/2006 r 5	19.1.2006
r 31		
r 31(1)	varied by 286/2008 r 7	20.11.2008
r 31(4) and (5)	inserted by 11/2006 r 6	19.1.2006
r 32	substituted by 123/2007 r 4	1.7.2007
r 32(3)	deleted by 286/2008 r 8(1)	20.11.2008
	<b>inserted by 54/2009 r 4</b>	<b>7.5.2009</b>
r 32(9) and (10)	inserted by 286/2008 r 8(2)	20.11.2008
<i>Sch 1 before substitution by 123/07</i>		
cl 1	<i>varied by 11/2006 r 7</i>	19.1.2006
	<i>substituted by 140/2006 r 4</i>	1.7.2006
cl 2	<i>substituted by 140/2006 r 4</i>	1.7.2006
Sch 1	substituted by 123/2007 r 5	1.7.2007
	substituted by 286/2008 r 9	20.11.2008
	<b>varied by 54/2009 r 5(1), (2)</b>	<b>7.5.2009</b>
Sch 2	substituted by 286/2008 r 10	20.11.2008
Sch 3	<i>omitted under Legislation Revision and Publication Act 2002</i>	19.1.2006

## Historical versions

19.1.2006  
1.7.2006  
1.7.2007  
20.11.2008