



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, 13 MAY 1999

CONTENTS

	Page		Page
Appointments, Resignations, Etc.	2502	Liquor Licensing Act 1997—Notices.....	2564
Associations Incorporation Act 1985—Notice.....	2503	Private Advertisements.....	2609
Co-operatives Act 1997—Notice.....	2503	Proclamations.....	2502
Corporations and District Councils—Notices	2606	Public Trustee Office—Administration of Estates.....	2608
Crown Lands Act 1929—Notices	2503	REGULATION	
Development Act 1993—Notice.....	2504	Road Traffic Act 1961 (No. 35 of 1999).....	2602
Fisheries Act 1982—Notices	2504	Roads (Opening and Closing) Act 1991—Notices	2567
Gaming Machines Act 1992—Notice	2561	Treasury and Finance—Notice	2568
Government Land Sale—Notice	2564	Valuation of Land Act 1971—Notice.....	2568
Irrigation Act 1994—Notice.....	2566	Vocational Education, Employment and Training Act	
Legal Practitioners Act 1981—Rules.....	2570	1994—Contracts of Training	2595

GOVERNMENT GAZETTE NOTICES

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

CRIMINAL LAW CONSOLIDATION (JURIES) AMENDMENT ACT 1999 (Act No. 16 of 1999): DAY OF COMMENCEMENT

Proclamation By The Governor

(L.S.) E. J. NEAL

WITH the advice and consent of the Executive Council, I fix 16 May 1999 as the day on which the *Criminal Law Consolidation (Juries) Amendment Act 1999* will come into operation.

Given under my hand and the Public Seal of South Australia, at Adelaide, 13 May 1999.

By command,

IAIN EVANS, for Premier

AG 66/94CS

EMERGENCY SERVICES FUNDING ACT 1998 (Act No. 63 of 1998): DAY OF COMMENCEMENT

Proclamation By The Governor

(L.S.) E. J. NEAL

WITH the advice and consent of the Executive Council, I fix:

- (a) 13 May 1999 as the day on which sections 1, 2, 10, 23, 24 and 25 of the *Emergency Services Funding Act 1998* will come into operation; and
- (b) 30 June 1999 as the day on which the remaining provisions of that Act will come into operation.

Given under my hand and the Public Seal of South Australia, at Adelaide, 13 May 1999.

By command,

IAIN EVANS, for Premier

MES 8/99CS

HIGHWAYS ACT 1926 SECTION 27AA: CLOSURE OF PORTION OF PUBLIC (POOCHERA ACCESS) ROAD, HUNDRED OF KARCULTABY

Proclamation By The Governor

(L.S.) E. J. NEAL

PURSUANT to section 27AA of the *Highways Act 1926*, on the recommendation of the Commissioner of Highways made pursuant to that section and with the advice and consent of the Executive Council, I close the portion of the Public (Poochera Access) Road delineated as allotment 9 in Lands Titles Registration Office File Plan No. 40831.

Given under my hand and the Public Seal of South Australia, at Adelaide, 13 May 1999.

By command,

IAIN EVANS, for Premier

TSA 5583/98CS

MINING ACT 1971 SECTION 8(2); OPAL MINING ACT 1995 SECTION 4(1): HUNDRED OF DUDLEY—VARIATION OF PROCLAMATION RESERVING LAND FROM OPERATION OF CERTAIN PROVISIONS OF MINING ACT 1971; RESERVATION OF LAND FROM OPERATION OF CERTAIN PROVISIONS OF OPAL MINING ACT 1995

Proclamation By The Governor

(L.S.) E. J. NEAL

Preamble

1. By proclamation made pursuant to the *Mining Act 1971* on 19 April 1973 (see *Gazette* 19 April 1973 p. 1777, fourth appearing), as varied, certain land along the coast of the State of South Australia is reserved from the operation of certain provisions of the *Mining Act 1971*.

2. By proclamation made pursuant to the *Mining Act 1971* on 23 September 1993 (see *Gazette* 23 September 1993 p. 1290) the following land was excluded from that reservation:

Section 397, Hundred of Dudley.

3. It is now intended that that land again be reserved from certain provisions of the *Mining Act 1971* and be reserved from certain provisions of the *Opal Mining Act 1995*.

Proclamation

PURSUANT to section 8(2) of the *Mining Act 1971* and section 4(1) of the *Opal Mining Act 1995* and with the advice and consent of the Executive Council, I:

(a) vary the proclamation referred to in clause 1 of the preamble by striking out from paragraph A of the schedule the following subparagraph:

(iv) Section 397, Hundred of Dudley;

(b) reserve from the operation of Parts 2 and 3 of the *Opal Mining Act 1995* the following land:

Section 397, Hundred of Dudley.

Given under my hand and the Public Seal of South Australia, at Adelaide, 13 May 1999.

By command,

IAIN EVANS, for Premier

MPNR 15/99CS

STATUTES AMENDMENT (RESTRAINING ORDERS) ACT 1999 (Act No. 24 of 1999): DAY OF COMMENCEMENT

Proclamation By The Governor

(L.S.) E. J. NEAL

WITH the advice and consent of the Executive Council, I fix 16 May 1999 as the day on which the *Statutes Amendment (Restraining Orders) Act 1999* will come into operation.

Given under my hand and the Public Seal of South Australia, at Adelaide, 13 May 1999.

By command,

IAIN EVANS, for Premier

AG 10/97CS

STATUTES AMENDMENT (SENTENCING—MISCELLANEOUS) ACT 1999 (Act No. 13 of 1999): DAY OF COMMENCEMENT

Proclamation By The Governor

(L.S.) E. J. NEAL

WITH the advice and consent of the Executive Council, I fix 16 May 1999 as the day on which the *Statutes Amendment (Sentencing Miscellaneous) Act 1999* will come into operation.

Given under my hand and the Public Seal of South Australia, at Adelaide, 13 May 1999.

By command,

IAIN EVANS, for Premier

AG 11/93CS

Department of the Premier and Cabinet
Adelaide, 13 May 1999

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Martindale Hall Conservation Trust, pursuant to the provisions of the National Parks and Wildlife Act 1972:

Member: (from 13 May 1999 until 12 May 2001)

Hamish Alexander Elder Gosse
Simon Tonkin
Martin Lindsay Brine
Patricia Joan Jacka
Susan Shannon

By command,

IAIN EVANS, for Premier

MEH 18/99CS

Department of the Premier and Cabinet
Adelaide, 13 May 1999

THE Council recommends His Excellency to appoint the following as panel members for a period of three years from 13 May 1999, for the purposes of section 37 of the Police (Complaints and Disciplinary Proceedings) Act 1985, pursuant to section 37 (5) of the Police (Complaints and Disciplinary Proceedings) Act 1985:

Kelvin John Prescott, SM
Jacynth Elizabeth Sanders, SM
Richard Henry Kleinig, SM
Ruth Francis Hayes, SM

By command,

IAIN EVANS, for Premier

ATTG 11/99CS

Department of the Premier and Cabinet
Adelaide, 13 May 1999

THE Council recommends His Excellency to add the following to the Commission of Justice of the Peace for South Australia:

Allen, Neil Wayne of Callington
Arboit, Melissa Marie of Salisbury
Baxendale, William of Evanston
Beare, Jeffrey Eric of Henley Beach
Bell, Leslie Allan of Valley View
Berlangieri, Tony of Highbury
Block, David Charles of Surrey Downs
Boemia, David Bruce of Reynella
Brain, Christopher Jason of Sheidow Park
Brown, Tess Bernadette of St Peters
Bruce, Jonathon Frederick of Brooklyn Park
Burgess, John Anthony of Angle Vale
Carbone, Marie of Glenunga
Cottle, Janis Lesley of Grange
D'Alessandro, Anna Maria of Torrensville
Dalkos, Terry Peter of Tusmore
Davies, Tracey Michelle of Mile End
Dodd, Garth of Parkside
Faulkner, Kevin Patrick of Kingston Park
Feist, Elizabeth Louise of Port Lincoln
Ford, Therese Ananda of Hallett Cove
Foreman, Denise Mary of Kingston SE
Gentilcore, Silvana of Paradise
Gillespie, Carolyn Louise of North Adelaide
Giuliani, Leo of Torrensville
Gray, Ian Neil of Colonel Light Gardens
Harris, Leah Kaye of Tanunda
Hewett, Hamish of Salisbury Downs
Hoffman, Stephen Paul of Sheidow Park
Jones, Rodney Howard of Berri
Kent, Robert William of Campbelltown
Kirkbright, Trevor James of Semaphore Park
Knox, Christine Vera of Whyalla
Koznedev, John Ivan Peter of Rosewater
Leane, Cathy Lorraine of Plympton
Lipsys, Julianne Gail of Willaston
Little, Darren James of Aberfoyle Park
Martin, Kevin John of Collinswood
McGlen, Ian Christopher of Morphett Vale
McCann, Frank James of Kanmantoo
McKenzie, Karyn June of Peterborough
Mulligan, Christine Mary of Athelstone
Murphy, Antony William of Rostrevor
Nancarrow, Leanne Toni of Flinders Park
Nayda, Carolyn Margaret of Cowandilla
Nelson, David Peter of Prospect
O'Neil, Frances Ann of Ridgehaven
Park, Anthony John of Banksia Park
Portella, Silvia Leticia of Findon
Quast, Brunetta of Salisbury
Richards, Renee Jane of South Plympton
Smith, Geoffrey Robert Nisbet of Windsor Gardens
Sparreboom, Allyson Irene of Woodville South
Stegmeyer, Kym Berend of Highbury
Sutton, David Charles of Old Noarlunga

Taylor, Sharon Jane of Para Vista
Thomson, Peter Mark of Norwood
Trevaskis, Linda Dianne of Crafers West
Van Dyk, Jane McCrae of Coromandel Valley
Wanganeen, Leslie Norman of Rosewater
Washington, Dorothy Marguerite of Upper Sturt
Will, Perry Alan of Thevenard
Williams, Craig Gordon of Modbury North
Williams, Robynne Anne of Tranmere
Wilson, John Allen of Salisbury Heights
Wright, Wendy Edith of Stirling North
Young, Susan Estelle of Gawler Belt

By command,

IAIN EVANS, for Premier

ATTG 20/93CS

ASSOCIATIONS INCORPORATION ACT 1985

Deregistration of Associations

NOTICE is hereby given that the Corporate Affairs Commission will deregister the associations named below in accordance with the application received from the associations, pursuant to section 43A of the Associations Incorporation Act 1985. Deregistration will take effect on the date of publication of this notice:

Buckleboo Hall Inc.
Community Health Standards Council of S.A. Inc.
Goolwa Golf Club Inc.
Keswick Barracks Family Support Committee Inc.
Paving Industry Association Inc.
Whyalla Saturday Club for Gifted Children Inc.

A. J. GRIFFITHS, A delegate of the Corporate
Affairs Commission

CO-OPERATIVES ACT 1997

Notice of Deregistration of Defunct Co-operative

PURSUANT to subsection 601AA (4) of the Corporations Law as adopted by section 311 of the Co-operatives Act 1997, the Corporate Affairs Commission gives notice that the co-operative referred to in the Schedule will be deregistered when two months have passed since the publication of this notice.

SCHEDULE

Megachile Co-operative Limited.

Given at Adelaide, 7 May 1999.

A. J. GRIFFITHS, A delegate of the Corporate
Affairs Commission

CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I PETER MACLAREN KENTISH, Surveyor-General and Delegate appointed by DOROTHY KOTZ, Minister for Environment and Heritage, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY dedicate the Crown Land defined in The Schedule as a Community Purposes Reserve and declare that such land shall be under the care, control and management of the Mount Gambier Community House Incorporated, subject to the following condition: that no dealing affecting the land shall be undertaken without the prior written approval of the Minister for Human Services.

The Schedule

Allotment 51 of DP 50403, Hundred of Blanche, County of Grey, exclusive of all necessary roads.

Dated 10 May 1999.

P. M. KENTISH, Surveyor-General

DENR 17/0496

CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I PETER MACLAREN KENTISH, Surveyor-General and Delegate appointed by DOROTHY KOTZ, Minister for Environment and Heritage, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY:

1. Resume the lands defined in The First Schedule.
2. Dedicate the Crown Land defined in The Second Schedule as a Public Road.
3. Dedicate the Crown Land defined in The Third Schedule as a Vehicle Parking Reserve and declare that such land shall be under the care, control and management of the District Council of Barunga West.
4. Dedicate the Crown Land defined in The Fourth Schedule as a Public Recreation Reserve and declare that such land shall be under the care, control and management of the District Council of Barunga West.

The First Schedule

- 1.1 Parking Reserve, section 1016, Hundred of Mundoora, County of Daly, the proclamation of which was published in the *Government Gazette* of 16 March 1978 at page 881, The First Schedule, being the whole of the land comprised in Crown Record Volume 5542 Folio 287.
- 1.2 Public Recreation Reserve, allotment 1 of DP 33705, Hundred of Mundoora, County of Daly, the notice of which was published in the *Government Gazette* of 18 June 1992 at page 1768, The Second Schedule, being the whole of the land comprised in Crown Record Volume 5519 Folio 969.

The Second Schedule

Allotment 7 of DP 50577, Hundred of Mundoora, County of Daly, being within the district of Barunga West.

The Third Schedule

Allotment 8 of DP 50577, Hundred of Mundoora, County of Daly, exclusive of all necessary roads.

The Fourth Schedule

Allotment 9 of DP 50577, Hundred of Mundoora, County of Daly, exclusive of all necessary roads.

Dated 10 May 1999.

P. M. KENTISH, Surveyor-General

DENR 10/0025

DEVELOPMENT ACT 1993, SECTION 27 (1): THE BAROSSA COUNCIL—BAROSSA (DC)—RURAL LIVING PLAN AMENDMENT

Preamble

The Minister for Transport and Urban Planning has approved the amendment entitled 'The Barossa Council—Barossa (DC)—Rural Living Plan Amendment' (the Plan Amendment) and has referred it to the Governor.

NOTICE

PURSUANT to section 27 (1) of the Development Act 1993, I, the Governor with the advice and consent of the Executive Council, declare the Plan Amendment to be an authorised Plan Amendment and fix 13 May 1999, as the day on which it will come into operation.

Dated 13 May 1999.

E. J. NEAL, Governor

MTUP-PL 12/99CS

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of Gulf St Vincent between 0630 hours and 1800 hours.

SCHEDULE 2

11 May 1999 to 23 May 1999.

Dated 7 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

V0005/99

FISHERIES ACT 1982: SECTION 43

TAKE note that the notice number V0004/99 made under section 43 of the Fisheries Act 1982, and published in the *Government Gazette*, page 1649, dated 8 April 1999, being the third notice on that page, which refers to the Gulf St Vincent prawn fishery is revoked as of 1800 hours on 10 May 1999.

Dated 7 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

R0012/99

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of Gulf St Vincent.

SCHEDULE 2

0630 hours on 24 May 1999 to 2400 hours on 31 December 1999.

Dated 7 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

V0006/99

FISHERIES ACT 1982: SECTION 43

TAKE note that the notice number P0022/99 made under section 43 of the Fisheries Act 1982, dated 20 April 1999 and published in the *Government Gazette*, page 2180, dated 22 April 1999, being the fifth notice on that page, which refers to the Spencer Gulf prawn fishery is revoked as of 1830 hours on 11 May 1999.

Dated 10 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

R0013/99

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in waters of Spencer Gulf north of a line commencing at position latitude 33°38.50'S, longitude 137°14.00'E, then to position latitude 33°38.50'S, longitude 137°53.00'E.

SCHEDULE 2

1830 hours on 11 May 1999 to 0630 hours on 14 May 1999.

Dated 10 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

P0023/99

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of Spencer Gulf.

SCHEDULE 2

0630 hours on 14 May 1999 to 2359 hours on 15 May 1999.

Dated 10 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

P0025/99

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in waters of Spencer Gulf bounded by a line commencing at position latitude 33°57.00'S, longitude 136°33.00'E, then to position latitude 34°05.00'S, longitude 136°45.00'E, then to position latitude 34°15.00'S, longitude 136°45.00'E, then to position latitude 34°15.00'S, longitude 136°57.50'E, then to position latitude 34°04.00'S, longitude 137°23.50'E, then to position latitude 33°41.00'S, longitude 137°10.00'E, then to the point of commencement.

SCHEDULE 2

1830 hours on 11 May 1999 to 0630 hours on 21 May 1999.

Dated 10 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

P0024/99

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in waters of Spencer Gulf south of a line commencing at position latitude 33°41.00'S, longitude 137°10.00'E, then to position latitude 34°04.00'S, longitude 137°23.50'E, then to position latitude 34°04.00'S, longitude 137°34.00'E.

SCHEDULE 2

2359 hours on 15 May 1999 to 0630 hours on 21 May 1999.

Dated 10 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

P0026/99

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in waters of Spencer Gulf bounded by a line commencing at position latitude 33°57.00'S, longitude 136°33.00'E, then to position latitude 34°05.00'S, longitude 136°45.00'E, then to position latitude 34°15.00'S, longitude 136°45.00'E, then to position latitude 34°15.00'S, longitude 136°57.50'E, then to position latitude 34°04.00'S, longitude 137°23.50'E, then to position latitude 34°04.00'S, longitude 137°34.00'E, then to the point of commencement.

SCHEDULE 2

1830 hours on 21 May 1999 to 0630 hours on 24 May 1999.

Dated 10 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

P0027/99

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of the Spencer Gulf prawn fishery between 0630 hours and 1830 hours.

SCHEDULE 2

12 May 1999 to 13 May 1999.

16 May 1999 to 23 May 1999.

Dated 10 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

P0028/99

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of Spencer Gulf.

SCHEDULE 2

0630 hours on 24 May 1999 to 2400 hours on 31 December 1999.

Dated 10 May 1999.

W. ZACHARIN, Principal Manager, Shellfish

P0029/99

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Alistair Wood (hereinafter referred to as the 'permit holder'), 17 Hillview Road, Victor Harbor, S.A. 5211, is exempt from the Fisheries Act 1982, insofar as he may take up to 10 Mulloway (*Argyrosomus hololepidotus*) for the purpose of aquaculture broodstock in the waters specified in Schedule 1, using the gear specified in Schedule 2, subject to the conditions in Schedule 3 (hereinafter referred to as the 'permitted activity') from the date of gazettal of this notice until 31 May 1999.

SCHEDULE 1

The waters contained in the navigation lock of the Goolwa Barrage.

SCHEDULE 2

One hauling net with a maximum length of 30 m, maximum depth of 4 m and a maximum mesh size of 14 cm.

SCHEDULE 3

1. All mulloway (*Argyrosomus hololepidotus*) taken pursuant to this notice must be transferred to an employee of the South Australian Research and Development Institute (SARDI).

2. The permit holder shall notify the PIRSA Fisheries and Aquaculture Compliance Unit on 1800 065 522 at least 24 hours prior to conducting the permitted activity with the following information:

- (a) details of the boat (if any) that will be used to engage in the permitted activity;
- (b) the name of the person who will be conducting the permitted activity;
- (c) the intended place and time of conducting the permitted activity.

3. The permit holder shall provide a written report to the Director of Fisheries with details of the number of mulloway (*Argyrosomus hololepidotus*) taken pursuant to this notice

(including mortalities) for each day on which the permitted activity is conducted, within 14 days of the expiry of this notice.

4. PIRSA Fisheries and Aquaculture retains the right for a Departmental Officer to accompany the fisher at any time during the permitted activity.

5. While engaged in the permitted activity the permit holder shall carry or have about or near his person a copy of this notice. Such notice must be produced to a PIRSA Fisheries and Aquaculture Compliance Officer upon request.

6. The permit 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 30 April 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Pang Quong or his agents (hereinafter referred to as the 'permit holder') of Ascidian Aquarium Systems, 46 Osborne Street, Williamstown, Vic. 3016, is exempt from the Fisheries Act 1982, but only insofar as the permit holder shall not be guilty of an offence when taking and possessing one egg-bearing male leafy sea dragon (*Phycodorus eques*) (hereinafter referred to as the 'permitted activity') subject to the conditions specified in Schedule 1 from South Australian coastal marine waters from the date of this notice until 30 March 2000).

SCHEDULE 1

1. The egg-bearing male leafy sea dragon (*Phycodorus eques*) taken pursuant to this notice must be returned to the water as near as practicable to the area of collection once the eggs have been released.

2. The permit holder shall provide a written report with details of each collection trip and also the details of the return of the leafy sea dragon to the area of collection to the Director of Fisheries at the completion of the permitted activity.

3. At least 24 hours prior to engaging in the permitted activity, the permit holder must contact the PIRSA Fisheries and Aquaculture Compliance Unit on 1800 065 522 with the following information:

- (a) the name of the person who will be conducting the permitted activity;
- (b) the intended location for conducting the permitted activity;
- (c) the method of conducting the permitted activity; and
- (d) if using a boat to conduct the permitted activity, the description of the boat and the intended area of launching and retrieval.

4. Whilst engaged in the permitted activity the permit holder must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries and Aquaculture Compliance Officer upon request.

5. The permit 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 5 May 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Dr Joseph R. Bidwell or persons acting as his agents (hereinafter referred to as the 'permit holder') from the School of Pharmacy and Medical Sciences, University of South Australia, North Terrace, Adelaide, S.A. 5000, are exempt from the provisions of Regulations 23 and 23A, Clause 63D of Schedule 1 of the Fisheries (General) Regulations 1984, and the Fisheries Act (Aquatic Reserves) Regulations 1989, to engage in the activities specified in Schedule 1 (hereinafter referred to as the 'permitted activity'), subject to the conditions set out in Schedule 2 from the date of gazettal of this notice until 31 December 1999.

SCHEDULE 1

The collection of 50 kelp plants (*Ecklonia radiata*), 20 sea urchins (*Heliocidaris* sp.), 20 polychaete worms (*Galeolaria caespitosa*), 20 mussels (*Mytilus*, *Xenostrobus* sp.), 20 scallops (*Pecten alba*) and 20 abalone (*Haliotis* sp.) (including abalone below the minimum legal size limit) from marine waters of South Australia, including intertidal 'rocky' reefs and aquatic reserves.

SCHEDULE 2

1. No more than the specified number of each of the species in Schedule 1 are to be collected during the term of this permit.

2. The specimens collected by the permit holder are for scientific and research purposes only and may not be sold.

3. Collections undertaken in aquatic reserves and intertidal 'rocky' reef areas must be undertaken with due consideration of other members of the public already in the area.

4. The permit holder must provide a report to the Director of Fisheries showing date of collection, species collected and number of all species caught within 14 days of the completion of the permit period.

5. The permit 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.

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

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

Dated 6 May 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982: SECTION 59

TAKE notice that the notice made under the Fisheries Act 1982, dated 28 August 1998 referring to the taking of undersized blacklip abalone and published in the *Government Gazette* of 28 August 1999 at page 769 (such notice being the second notice appearing on that page) is revoked.

Dated 7 May 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982: SECTION 59

TAKE notice that subject to section 59 of the Fisheries Act 1982, those holders of a licence issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991 hereinafter referred to as the 'fishers' or their registered masters are exempted from the provisions of regulations 23(2a)(b) of the Fisheries (General) Regulations 1984 and from the notice made under section 43 of the Fisheries Act 1982, on page 401 of the *South Australian Government Gazette* of 9 August 1997, such notice being the first notice made on that page in that the fishers shall not be guilty of an offence when taking undersized blacklip abalone (*Haliotis rubra*) (hereinafter referred to as the 'permitted activity'), from those waters described as area 1, area 2, area 3 and area 4 in Schedule 1 subject to the conditions specified in Schedule 2 from 1 September 1998 until 31 August 1999.

SCHEDULE 1

Area 1: Those waters adjacent to the coast of Nene Valley which are contained within a line commencing at the high water mark at position latitude 37°59.3'S, 140°30.7'E then due south for approximately 2.9 nautical miles to position latitude 30°02.4'S, longitude 140°30.7'E then generally south-east for approximately 2.7 nautical miles to position latitude 38°04.4'S, longitude 140°34.2'E then due north for approximately 2.6 nautical miles to high water mark at position latitude 38°01.4'S, longitude 140°34.2'E then generally north-westerly following high water mark back to the point of commencement.

Area 2: Those waters adjacent to the coast at Brown and Riddoch Bays which are contained between the meridians of longitude 140°45'E and longitude 140°55'E extending seawards for 3 nautical miles from the high water mark.

Area 3: Those waters of Ringwood Reed bounded by a line commencing at latitude 37°31.95'S longitude 140°01.3'E then in a generally easterly direction to a point of latitude 37°31.95'S longitude 140°02.6'E then in a southerly direction to a point latitude 37°32.5'E longitude 140°02.6'E then in generally westerly direction to a point latitude 37°32.3'S longitude 140°01.3'E then in a generally northerly direction to the point of commencement.

Area 4: Those waters bounded by a line commencing at the high water mark on Rapid Point latitude 37°55.7'S longitude 140°23.38'E, then in a generally south-westerly direction to position latitude 37°56'S longitude 140°21.5''E, then in a generally south-easterly direction to position latitude 37°58.5'S longitude 140°26'E, then in a north easterly direction to Blackfellows Caves in latitude 37°57'S longitude 140°28.2'E, then in a north-westerly direction back to the point of commencement.

SCHEDULE 2

1. Whilst engaged in the permitted activity, the fishers may only take blacklip abalone (*Haliotis rubra*) provided that it is not less than 110 mm in length at its greatest dimension and greenlip abalone (*Haliotis laevigata*) provided that it is not less than 130 mm in length at its greatest dimension. All abalone must be landed in the shell.

2. On any day the fisher engages in the permitted activity, no other fishing activity may be conducted pursuant to that southern zone abalone fishery licence.

3. No more than one registered master may engage in the permitted activity on any one day.

4. The permitted activity may only be conducted in one of these areas defined in Schedule 1 unless a weight of less than 200 kg of quota remains to be taken. If less than 200 kg of quota is left to be taken, the fisher may fish on any day in more than one area as defined in Schedule 1, subject to condition 5 of this Schedule. A separate notification must be made for each area fished.

5. The fishers must notify the PIRSA Fisheries and Aquaculture Compliance Unit on 1800 244 317 prior to engaging in the permitted activity with the following information:

- (a) the name of the person making the call and the southern zone abalone fishery licence number;
- (b) the name of the registered master who will be conducting the permitted activity on that day;
- (c) the date on which the permitted activity will take place; and
- (d) the designated area from Schedule 1 which is to be fished.

6. In respect of blacklip abalone (*Haliotis rubra*), the fishers on completion of the days fishing activity and before landing, must place all abalone within fish bins and tightly secure the supplied lids with supplied consecutively numbered tags. The total number of bins for that day and the number of the two tags placed on each bin shall be included on the CDR 1. After completing the CDR 1 and within 50 m of landing the white and yellow copies of the CDR 1 shall be secured in the supplied CDR 1 envelope and attached to the bin with the highest numbered tag.

7. In respect of blacklip abalone (*Haliotis rubra*), the fisher must make a record in writing immediately at the conclusion of a fishing trip and before the abalone are consigned to a registered fish processor setting out details of the abalone taken during that fishing trip. This record must be completed within 50 m of the point of landing of the catch and before the catch is consigned to a nominated processor and/or taken onto processor premises where such premises are within 50 m of the point of landing; or at the end of each day of fishing where the catch is not landed on that day. The details of such record shall be recorded on and be such as are sufficient to complete in triplicate a CDR 1 form. This CDR form in regard to blacklip abalone is to be clearly marked 'Fishdown' and with the area as specified in Schedule 1 in which the abalone were taken recorded.

8. The fishers must, within 200 m of the point of landing, or at the nearest public telephone if mobile service is unavailable, notify PIRSA Fisheries and Aquaculture on 1800 244 317 of the licence number, the name of the person making the call, the total number of bins of abalone taken that day, the consecutive tag numbers attached to those bins and the location and name of the intended processor to which the abalone will be delivered. In the event of a broken tag, the licence holder must attach the broken tag to the next available tag and reseal the bin. The replacement tag number must be recorded on the CDR 1 form and recorded as 'replacement tag number'.

9. All blacklip abalone (*Haliotis rubra*) taken shall be delivered to one of the registered fish processors detailed in Schedule 3 for weighing, within 24 hours of landing, within the State of South Australia.

10. The fisher shall not, during the period of this notice, take a combined quantity of blacklip abalone (*Haliotis rubra*) from areas 1, 3 and 4, as described in Schedule 1, which exceeds 5000 kg wholeweight.

11. The fisher shall not, during the period of this notice take a quantity of blacklip abalone from area 2, as described in Schedule 1, which exceeds 1 000 kg wholeweight (in the shell).

12. The quota of blacklip abalone (*Haliotis rubra*) allocated to this notice is non-transferable.

13. The fisher shall not intentionally induce weight loss of abalone by any means.

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

15. Whilst engaged in the permitted activity the fisher must have in their possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries and Aquaculture Compliance Officer.

SCHEDULE 3

FP0127 Pt Kelly Smiths Road Port Macdonnell, S.A. 5291	FP0125 Sou-West Seafoods Pty Ltd P.O. Box 30 Port Fairy, Vic 3284
FP0171 Fairsea International Pty Ltd	FP0435 Moyston Court Fisheries Pty Ltd
Lot 58 Fairlane Drive Mount Gambier, S.A. 5290	Barton Place Portland Vic 3305
FP0005 Dover Fisheries Pty Ltd 23 Wilson Street Royal Park, S.A. 5014	FP0037 Craig Mostyn & Co Pty Ltd Box 6050 Halifax Street Adelaide, S.A. 5000
FP0382 ADL Seafood Group 15 Speedwell Street Somerville, Vic 3912	

Dated 7 May 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to Section 59 of the Fisheries Act 1982, each of the registered fish processors specified in Schedule 1 (hereinafter referred to as the 'processor') is exempted from the provisions of section 44, 2, (a) of the Fisheries Act 1982, in that the processor shall not be guilty of an offence when in possession of blacklip abalone (*Haliotis rubra*) above a minimum length of 110 mm (hereinafter referred to as the 'permitted activity'), subject to the conditions specified in Schedule 2 from this date of gazettal of this notice until 31 August 1999.

SCHEDULE 1

FP0127 Pt Kelly Smiths Road Port Macdonnell, S.A. 5291	FP0125 Sou-West Seafoods Pty Ltd P.O. Box 30 Port Fairy, Vic 3284
FP0171 Fairsea International Pty Ltd	FP0435 Moyston Court Fisheries Pty Ltd
Lot 58 Fairlane Drive Mount Gambier, S.A. 5290	Barton Place Portland Vic 3305
FP0005 Dover Fisheries Pty Ltd 23 Wilson Street Royal Park, S.A. 5014	FP0037 Craig Mostyn & Co Pty Ltd Box 6050 Halifax Street Adelaide, S.A. 5000
FP0382 ADL Seafood Group 15 Speedwell Street Somerville, Vic 3912	

SCHEDULE 2

1. Whilst engaged in the permitted activity, the processor may only possess undersized abalone blacklip taken pursuant to a licence issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991.

2. Whilst engaged in the permitted activity, the processor must weigh all abalone within the State of South Australia, immediately upon receipt.

3. The processor must notify the PIRSA Fisheries and Aquaculture Compliance Unit on 1800 244 317 when receiving undersized blacklip abalone and supply the following information:

- (a) the name of the person making the call and the name and address of the processor;
- (b) the time and date of receipt of the undersized blacklip abalone;
- (c) the southern zone abalone fishery licence number from which the abalone was received;

- (d) the total number of fish bins received;
- (e) the tag number attached to each bin;
- (f) the total accurate net and gross weight of each species; and
- (g) the number of the completed CDR 1 form attached.

4. When engaging in the permitted activity pursuant to this notice, the processor must wait for a minimum of 30 minutes after notifying PIRSA Fisheries and Aquaculture before removing the numbered tag or lid from any fish bin or before processing the abalone or removing the abalone from the registered premises.

5. The processor, whilst transporting abalone received from a southern zone abalone fishery licence holder, or their registered master, shall not break or remove any numbered tags or lids from any fish bin containing abalone until reaching the nominated registered processing premises.

6. Where a processor is involved in collecting and transporting multiple consignments of abalone, the processor must notify PIRSA Fisheries and Aquaculture Unit on 1800 244 317 upon taking consignment and wait 30 minutes at the collection point prior to transporting the abalone to the nominated registered processing premises.

7. The processor 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.

8. Whilst engaged in the permitted activity the processor must have in their possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries and Aquaculture Compliance Officer.

Dated 7 May 1999.

D. MACKIE, Manager, Legislation and Policy

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00172
(PREVIOUS LICENCE NO. F1557)

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

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

Bartolomeo Puglisi
6 Prospect Road
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

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

6. *Marking and Maintaining the Site*

The licensee:

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

7. *Site Inspection and Supervision*

The licensee:

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

8. *Fees and Returns*

The licensee:

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

9. *Compliance With Relevant Laws*

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

to the degradation or pollution of any coastal land or the surrounding marine environment; and

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

10. *Public Risk Liability*

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

11. *Release*

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

12. *Public Risk Insurance*

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

13. *Guarantee or Indemnity Scheme*

The licensee must either:

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

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

14. *No Assignment*

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

15. *Default by Licensee and Termination*

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

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

- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
- 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 15.4.2 an order is made for the winding up or liquidation of the licensee;
- 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
- 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 15.5.2 is convicted of an indictable offence.
- Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

16. Interpretation

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

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

17. Delegation

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

18. Severance

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

19. Modification

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

20. Waiver

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

21. Notices

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

22. SASQAP

- 22.1 The licensee:
- 22.1.1 must submit to the Manager, South Australian Shellfish Quality Assurance Program ('SASQAP') for testing such sample as the Manager, SASQAP requires of the fish farmed at the site and specified in Item 1.1 of Schedule 2;

- 22.1.2 must comply with all reasonable requirements of the Manager, SASQAP in relation to such testing; and
- 22.1.3 must obtain the written consent of the Manager, SASQAP, prior to making any of the fish farmed at the site and specified in Item 1.1 of Schedule 2, available for human consumption.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said B. PUGLISI, Director
In the presence of M. COTTRELL, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
581800E 6165250N 135°53'33" -34°39'04"	5
582000E 6165250N 135°53'41" -34°39'04"	
582000E 6165000N 135°53'41" -34°39'12"	
581800E 6165000N 135°53'33" -34°39'12"	

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

The boundary of the site to be marked either with:

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

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

Item 2—Marked-Off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Blue Mussels (*Mytilus edulis*)

Item 1.1—Fish subject to SASQAP testing

Blue Mussels (*Mytilus edulis*)

Item 2—Permitted Farming Methods

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

Longlines

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

Item 3—Stocking Rates

Mussels

Size (mm)	Number per Hectare
3	30 000 000
10	20 000 000
20	16 000 000
30	13 000 000
40	6 000 000
50	4 000 000
60	2 000 000
70	1 500 000
80	1 000 000
90	750 000
100	500 000

SCHEDULE 3

Item 1—Fees

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

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

SCHEDULE 5

Approved Environmental Monitoring Program

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

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00121
(PREVIOUS LICENCE NO. F798)

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

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

Aquaculture South Australia Pty Ltd
10 Kurrajong Road
Gould Creek, S.A. 5114,

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

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

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

2. Marked-off Areas

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

3. Permitted Species

The licensee:

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

4. Permitted Use

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

5. Permitted Methods

The licensee:

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

- 5.5 must conduct an environmental monitoring program as set out in Schedule 5 of this licence.

6. Marking and Maintaining the Site

The licensee:

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

7. Site Inspection and Supervision

The licensee:

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

8. Fees and Returns

The licensee:

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

9. Compliance With Relevant Laws

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

10. Public Risk Liability

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

11. Release

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

12. Public Risk Insurance

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

13. Guarantee or Indemnity Scheme

The licensee must either:

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

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

14. No Assignment

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

15. Default by Licensee and Termination

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

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

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

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

15.5 if the licensee is an individual, the licensee:

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

15.5.2 is convicted of an indictable offence.

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

16. Interpretation

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

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

17. Delegation

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

18. Severance

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

19. Modification

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

20. Waiver

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

- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.
21. Notices
- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 21.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

22. SASQAP

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

The Common Seal of Aquaculture South Australia Pty Ltd was hereunto affixed in the presence of:

(L.S.) J. R. CHAPMAN, Director
L. R. CHAPMAN, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area				Licensed Hectare
Zone 53				
763065E	6154270N	137°52'21"	-34°43'10"	1
763165E	6154270N	137°52'25"	-34°43'10"	
763124E	6154170N	137°52'23"	-34°43'14"	
763023E	6154170N	137°52'20"	-34°43'14"	

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

The boundary of the site to be marked either with:

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

or

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

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

Item 2—Marked-Off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

Item 1.1—Fish subject to SASQAP testing

Pacific Oysters (*Crassostrea gigas*)

Item 2.3.4 Permitted Farming Methods

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

Longlines

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

Item 3.3.4 Stocking Rates

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

SCHEDULE 3

Item 1—Fees

Environmental Monitoring Program 1 at \$20 each.....	\$ 20.00
Base Licence Fee	328.00
Fisheries Research and Development Corporation Levy.....	92.60
Total Annual Licence Fee	440.60

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

SCHEDULE 5

Approved Environmental Monitoring Program

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

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00126
(PREVIOUS LICENCE NO. F803)

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

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

Craig Tattersall
Lot 21 Bute Road
Port Broughton, S.A. 5522,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

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

- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.
- 5.5 must conduct an environmental monitoring program as set out in Schedule 5 of this licence.

6. *Marking and Maintaining the Site*

The licensee:

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

7. *Site Inspection and Supervision*

The licensee:

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

8. *Fees and Returns*

The licensee:

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

9. *Compliance With Relevant Laws*

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

10. *Public Risk Liability*

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

11. *Release*

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

12. *Public Risk Insurance*

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

13. *Guarantee or Indemnity Scheme*

The licensee must either:

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

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

14. *No Assignment*

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

15. *Default by Licensee and Termination*

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

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

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

16. Interpretation

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

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

17. Delegation

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

18. Severance

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

19. Modification

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

20. Waiver

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

21. Notices

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

22. SASQAP

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said C. TATTERSALL
In the presence of: N. TATTERSALL, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
767829E 6282459N 137°53'06" -33°33'49"	2
767646E 6282537N 137°52'59" -33°33'47"	
767605E 6282440N 137°52'57" -33°33'50"	
767788E 6282360N 137°53'04" -33°33'53"	

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

The boundary of the site to be marked either with:

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

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

Item 2—Marked-Off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

Item 1.1—Fish subject to SASQAP testing

Pacific Oysters (*Crassostrea gigas*)

Item 2—Permitted Farming Methods

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

Longlines

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

*Item 3—Stocking Rates**Oysters*

Size (mm)

Number per Hectare

3	2 500 000
10	1 600 000
20	1 100 000
30	750 000
40	500 000
50	350 000
60	200 000
70	150 000
80	100 000

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 2 at \$20 each	40.00
SASQAP (Non-Classified Area) 2 at \$134 each.....	268.00
Base Licence Fee	328.00
Fisheries Research and Development Corporation Levy	92.60
Total Annual Licence Fee.....	728.60

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

SCHEDULE 5

Approved Environmental Monitoring Program

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

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00122
(PREVIOUS LICENCE NO. F799)

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

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

Aquaculture South Australia Pty Ltd
10 Kurrajong Road
Gould Creek, S.A. 5114,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

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

6. *Marking and Maintaining the Site*

The licensee:

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

7. *Site Inspection and Supervision*

The licensee:

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

8. *Fees and Returns*

The licensee:

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

9. *Compliance With Relevant Laws*

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

10. *Public Risk Liability*

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

11. *Release*

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

12. Public Risk Insurance

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

13. Guarantee or Indemnity Scheme

The licensee must either:

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

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

14. No Assignment

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

15. Default by Licensee and Termination

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

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

form of composition for the benefit of the licensee's creditors; or

15.5.2 is convicted of an indictable offence.

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

16. Interpretation

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

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

17. Delegation

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

18. Severance

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

19. Modification

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

20. Waiver

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

21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
 - 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the

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

22. SASQAP

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

The Common Seal of Aquaculture South Australia Pty Ltd was hereunto affixed in the presence of:

(L.S.) J. R. CHAPMAN, Director
L. R. CHAPMAN, Witness

SCHEDULE 1
Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectare
Zone 53	
765247E 6162728N 137°53'37" -34°38'34"	1
765279E 6162690N 137°53'38" -34°38'35"	
765119E 6162570N 137°53'32" -34°38'39"	
765087E 6162609N 137°53'31" -34°38'38"	

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

The boundary of the site to be marked either with:

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

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

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

Item 2—Marked-Off Areas

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

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

SCHEDULE 2

Item 1 ~~3/4~~ Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

Item 1.1—Fish subject to SASQAP testing

Pacific Oysters (*Crassostrea gigas*)

Item 2 ~~3/4~~ Permitted Farming Methods

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

Longlines

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

Item 3 ~~3/4~~ Stocking Rates

Oysters

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

SCHEDULE 3

Item 1—Fees

Environmental Monitoring Program 1 at \$20 each	\$ 20.00
Base Licence Fee	328.00
Fisheries Research and Development Corporation Levy	92.60
Total Annual Licence Fee.....	440.60

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

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

SCHEDULE 5

Approved Environmental Monitoring Program

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

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00123
(PREVIOUS LICENCE NO. F800)

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

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

Aquaculture South Australia Pty Ltd
10 Kurrajong Road
Gould Creek, S.A. 5114,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

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

6. *Marking and Maintaining the Site*

The licensee:

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

7. *Site Inspection and Supervision*

The licensee:

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

8. *Fees and Returns*

The licensee:

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

9. *Compliance With Relevant Laws*

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

10. *Public Risk Liability*

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

11. *Release*

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

12. *Public Risk Insurance*

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

13. *Guarantee or Indemnity Scheme*

The licensee must either:

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

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

14. *No Assignment*

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

15. *Default by Licensee and Termination*

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

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

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

16. *Interpretation*

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

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

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

17. Delegation

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

18. Severance

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

19. Modification

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

20. Waiver

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

21. Notices

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

22. SASQAP

- 22.1 The licensee:
- 22.1.1 must submit to the Manager, South Australian Shellfish Quality Assurance Program ('SASQAP') for testing such sample as the Manager, SASQAP requires of

the fish farmed at the site and specified in Item 1.1 of Schedule 2;

- 22.1.2 must comply with all reasonable requirements of the Manager, SASQAP in relation to such testing; and
- 22.1.3 must obtain the written consent of the Manager, SASQAP, prior to making any of the fish farmed at the site and specified in Item 1.1 of Schedule 2, available for human consumption.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

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

The Common Seal of Aquaculture South Australia Pty Ltd was hereunto affixed in the presence of:

(L.S.) J. R. CHAPMAN, Director

L. R. CHAPMAN, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectare
Zone 53	
765489E 6162912N 137°53'46" -34°38'28"	1
765521E 6162873N 137°53'48" -34°38'29"	
765360E 6162754N 137°53'42" -34°38'33"	
765328E 6162792N 137°53'40" -34°38'32"	

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

The boundary of the site to be marked either with:

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

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

Item 2—Marked-Off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

Item 1.1—Fish subject to SASQAP testing

Pacific Oysters (*Crassostrea gigas*)

Item 2—Permitted Farming Methods

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

Longlines

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

Item 3—Stocking Rates

Oysters

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

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 1 at \$20 each.....	20.00
Base Licence Fee.....	328.00
Fisheries Research and Development Corporation Levy.....	92.60
Total Annual Licence Fee	440.60

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

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

SCHEDULE 5

Approved Environmental Monitoring Program

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

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00125
(PREVIOUS LICENCE NO. F802)

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

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

Aquaculture South Australia Pty Ltd
10 Kurrajong Road
Gould Creek, S.A. 5114,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. Permitted Use

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

5. Permitted Methods

The licensee:

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

6. Marking and Maintaining the Site

The licensee:

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

7. Site Inspection and Supervision

The licensee:

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

8. Fees and Returns

The licensee:

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

9. Compliance With Relevant Laws

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

conduct of the permitted use or else conduct the permitted use as directed within the notice.

10. Public Risk Liability

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

11. Release

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

12. Public Risk Insurance

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

13. Guarantee or Indemnity Scheme

The licensee must either:

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

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

14. No Assignment

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

15. Default by Licensee and Termination

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

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
 - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;

- 15.4.2 an order is made for the winding up or liquidation of the licensee;
- 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
- 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 15.5.2 is convicted of an indictable offence.

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

16. Interpretation

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

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

17. Delegation

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

18. Severance

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

19. Modification

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

20. Waiver

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the

Minister or by persons duly authorised to execute such a document on the Minister's part.

- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. Notices

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

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

22. SASQAP

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

The Common Seal of Aquaculture South Australia Pty Ltd was hereunto affixed in the presence of:

(L.S.) J. R. CHAPMAN, Director
L. R. CHAPMAN, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectare
Zone 53	
763142E 6154462N 137°52'24" -34°43'04"	1
763242E 6154462N 137°52'28" -34°43'04"	
763200E 6154362N 137°52'26" -34°43'07"	
763100E 6154362N 137°52'22" -34°43'07"	

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

The boundary of the site to be marked either with:

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

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

Item 2—Marked-Off Areas

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

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

SCHEDULE 2

Item 1 3/4 Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)*Item 1.1—Fish subject to SASQAP testing*Pacific Oysters (*Crassostrea gigas*)*Item 2 3/4 Permitted Farming Methods*

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

Longlines

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

*Item 3 3/4 Stocking Rates**Oysters*

Size (mm)

Number per Hectare

3	2 500 000
10	1 600 000
20	1 100 000
30	750 000
40	500 000
50	350 000
60	200 000
70	150 000
80	100 000

SCHEDULE 3

Item 1—Fees

	\$
Environmental Monitoring Program 1 at \$20 each	20.00
Base Licence Fee	328.00
Fisheries Research and Development Corporation Levy	92.60
Total Annual Licence Fee.....	440.60

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

SCHEDULE 5

Approved Environmental Monitoring Program

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

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00307
(PREVIOUS LICENCE NO. F730A)

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

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

M. J. and B. Sexton
P.O. Box 1069
Smoky Bay, S.A. 5680,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

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

6. *Marking and Maintaining the Site*

The licensee:

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

- 6.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 6.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

7. *Site Inspection and Supervision*

The licensee:

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

8. *Fees and Returns*

The licensee:

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

9. *Compliance With Relevant Laws*

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

10. *Public Risk Liability*

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

11. *Release*

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

12. Public Risk Insurance

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

13. Guarantee or Indemnity Scheme

The licensee must either:

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

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

14. No Assignment

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

15. Default by Licensee and Termination

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

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

form of composition for the benefit of the licensee's creditors; or

15.5.2 is convicted of an indictable offence.

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

16. Interpretation

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

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

17. Delegation

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

18. Severance

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

19. Modification

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

20. Waiver

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

21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
 - 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the

- licensee set out above (in the case of the licensee);
- 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 21.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
 - (b) if sending by mail, upon posting;
 - (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

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

Signed by the said M. J. SEXTON

In the presence of: W. A. GREEN, Witness

SCHEDULE 1
Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
394938E 6416959N 133°52'59" -32°22'45"	2.25
394991E 6416955N 133°53'01" -32°22'45"	
394961E 6416531N 133°52'59" -32°22'59"	
394908E 6416535N 133°52'57" -32°22'59"	

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

The boundary of the site to be marked either with:

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

When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews

cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.

Item 2—Marked-Off Areas

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

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

SCHEDULE 2

Item 1 ~~3/4~~ Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

Item 2 ~~3/4~~ Permitted Farming Methods

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

Racks

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

Item 3 ~~3/4~~ Stocking Rates

Oysters

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

SCHEDULE 3

Item 1—Fees

Environmental Monitoring Program 2.25 at \$20 each ..	\$ 45.00
SASQAP (Classified Area) 2.25 at \$37 each.....	83.25
Base Licence Fee	328.00
Fisheries Research and Development Corporation Levy	92.60
Total Annual Licence Fee.....	548.85

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

8. Details of any disease detected in any fish kept.
 9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
 10. If any fish were brought into the state, the number of fish and the life stage of the fish.
 11. If fish were brought into the state, the purpose for which they were brought in.
 12. Method of disposal of water and packaging use for transporting the fish.
 13. If any disease or symptom of disease occurred in the acquired fish.
 14. Method of disposal of diseased or dead fish and the number disposed of.
 15. Signature, date and telephone number.
 16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.
- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
 - 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
 - 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
 - 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

6. *Marking and Maintaining the Site*

The licensee:

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

7. *Site Inspection and Supervision*

The licensee:

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

8. *Fees and Returns*

The licensee:

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

9. *Compliance With Relevant Laws*

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

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00316

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

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

Stephen J. Moriarty
P.O. Box 671
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

10. Public Risk Liability

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

11. Release

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

12. Public Risk Insurance

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

13. Guarantee or Indemnity Scheme

The licensee must either:

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

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

14. No Assignment

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

15. Default by Licensee and Termination

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

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
 - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 15.4.2 an order is made for the winding up or liquidation of the licensee;

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

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

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

15.5 if the licensee is an individual, the licensee:

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

15.5.2 is convicted of an indictable offence.

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

16. Interpretation

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

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

17. Delegation

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

18. Severance

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

19. Modification

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

20. *Waiver*

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

21. *Notices*

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

The Common Seal of Spiny Dragon International Pty Ltd was hereunto affixed in the presence of:

(L.S.) S. J. MORIARTY, Director
H. M. MORIARTY, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
543819E 6169937N 135°28'40" -34°36'40"	2
543819E 6169737N 135°28'40" -34°36'47"	
543919E 6169737N 135°28'44" -34°36'47"	
543919E 6169937N 135°28'44" -34°36'40"	

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

The boundary of the site to be marked either with:

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

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

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

or

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

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

Item 2—Marked-Off Areas

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

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

SCHEDULE 2

Item 1—Permitted Species

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

Pacific Oysters (*Crassostrea gigas*)

Item 2—Permitted Farming Methods

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

Racks

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

Item 3—Stocking Rates

Oysters

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

SCHEDULE 3

Item 1—Fees

Fees for the period 1 April 1999 to 30 June 1999.

	\$
Environmental Monitoring Program 2 at \$20 each	40.00
SASQAP (Classified Area) 2 at \$37 each	74.00
Base Licence Fee	82.00
Fisheries Research and Development Corporation Levy	23.15
Total Annual Licence Fee	219.15

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25

Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

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

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00001
(PREVIOUS LICENCE NO. F608)

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

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

Emily Krstina (Australia) Pty Ltd
P.O. Box 792
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

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

2. Marked-off Areas

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

3. Permitted Species

The licensee:

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

4. Permitted Use

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

5. Permitted Methods

The licensee:

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

6. Sea Cages

The licensee:

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

7. Location of Sea Cages

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

8. Marking and Maintaining the Site

The licensee:

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

9. Site Inspection and Supervision

The licensee:

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

10. Fees and Returns

The licensee:

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

11. Compliance With Relevant Laws

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

12. Public Risk Indemnity

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

13. Release

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

14. Public Risk Insurance

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

15. Guarantee or Indemnity Scheme

The licensee must either:

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

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

16. No Assignment

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

17. Default by Licensee and Termination

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

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

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

18. Interpretation

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

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

19. Delegation

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

20. Severance

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

21. Modification

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

22. Waiver

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

23. Notices

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

was satisfactorily sent in its entirety to the addressee's facsimile number,

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

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 5 May 1999.

G. MORGAN, Director of Fisheries

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

The Common Seal of Emily Krstina (Australia) Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. M. SANTIL, Director

C. SANTIL, Secretary

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
586382E 6156505N 135°56'36" -34°43'47"	8
586048E 6156740N 135°56'23" -34°43'39"	
586156E 6156896N 135°56'27" -34°43'34"	
586487E 6156663N 135°56'40" -34°43'42"	

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

The boundary of the site to be marked either with:

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

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

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

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

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

Sea Cages 10

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 25 tonnes in total during the term of the licence.

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

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee 8 at \$126.70 each.....	1 013.60
Base Licence Fee 8 at \$321.34 each.....	2 570.72
Total Annual Licence Fee	3 584.32

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00010

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

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

Emily Krstina (Australia) Pty Ltd
P.O. Box 792
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

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

6. *Sea Cages*

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and

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

7. Location of Sea Cages

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

8. Marking and Maintaining the Site

The licensee:

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

9. Site Inspection and Supervision

The licensee:

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

10. Fees and Returns

The licensee:

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

11. Compliance With Relevant Laws

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

12. Public Risk Indemnity

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

13. Release

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

14. Public Risk Insurance

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

15. Guarantee or Indemnity Scheme

The licensee must either:

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

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

16. No Assignment

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

17. Default by Licensee and Termination

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

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

- 17.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 17.4.2 an order is made for the winding up or liquidation of the licensee;
- 17.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 17.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 17.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 17.5 if the licensee is an individual, the licensee:
- 17.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 17.5.2 is convicted of an indictable offence.

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

18. Interpretation

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

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

19. Delegation

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

20. Severance

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

21. Modification

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

22. Waiver

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

23. Notices

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 5 May 1999.

G. MORGAN, Director of Fisheries

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

The Common Seal of Emily Krstina (Australia) Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. M. SANTIL, Director
C. SANTIL, Secretary

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area				Licensed Hectares
Zone 53				
589078E	6160618N	135°58'21"	-34°41'32"	30
589634E	6160846N	135°58'42"	-34°41'25"	
589824E	6160383N	135°58'50"	-34°41'40"	
589269E	6160155N	135°58'28"	-34°41'47"	

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

The boundary of the site to be marked either with:

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

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

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

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

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

Sea Cages 14

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

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

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee 30 at \$126.70 each.....	3 801.00
Base Licence Fee 30 at \$321.34 each.....	9 640.20
Total Annual Licence Fee.....	13 441.20

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00006
(PREVIOUS LICENCE NO. F605)

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

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

Ajka Pty Ltd
Australian Bluefin Pty Ltd
Emily Krstina (Australia) Pty Ltd
Kinkawooka Pty Ltd
P.O. Box 462
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

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

licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

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

6. *Sea Cages*

The licensee:

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

7. *Location of Sea Cages*

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

8. *Marking and Maintaining the Site*

The licensee:

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

9. *Site Inspection and Supervision*

The licensee:

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

10. *Fees and Returns*

The licensee:

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

- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

11. *Compliance With Relevant Laws*

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

12. *Public Risk Indemnity*

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

13. *Release*

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

14. *Public Risk Insurance*

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

15. *Guarantee or Indemnity Scheme*

The licensee must either:

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

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

16. No Assignment

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

17. Default by Licensee and Termination

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

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

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

18. Interpretation

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

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

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

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

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

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

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

19. Delegation

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

20. Severance

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

21. Modification

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

22. Waiver

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

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

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

23. Notices

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

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

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

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

(a) if delivered, upon delivery;

(b) if sending by mail, upon posting;

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

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

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

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

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

(L.S.) J. GOBIN, Director

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

(L.S.) R. L. WRIGHT, Director
M. R. WALLER, Secretary

The Common Seal of Emily Krstina (Australia) Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. M. SANTIL, Director
C. SANTIL, Secretary

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

(L.S.) B. PUGLISI, Director
A. C. PUGLISI, Secretary

SCHEDULE 1
Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
583256E 6161976N 135°54'31" -34°40'50"	20
583173E 6161587N 135°54'28" -34°41'03"	
582678E 6161676N 135°54'09" -34°41'00"	
582761E 6162067N 135°54'12" -34°40'47"	

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

The boundary of the site to be marked either with:

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

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

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

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

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

Sea Cages 10

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 200 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m³.

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

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

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00012

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

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

Australian Bluefin Pty Ltd
M. A. Stehr
P.O. Box 1607
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

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

2. Marked-off Areas

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

3. Permitted Species

The licensee:

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

4. Permitted Use

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

5. Permitted Methods

The licensee:

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

- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.

6. Sea Cages

The licensee:

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

7. Location of Sea Cages

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

8. Marking and Maintaining the Site

The licensee:

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

9. Site Inspection and Supervision

The licensee:

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

10. Fees and Returns

The licensee:

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

11. Compliance With Relevant Laws

- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
 - 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and

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

12. Public Risk Indemnity

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

13. Release

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

14. Public Risk Insurance

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

15. Guarantee or Indemnity Scheme

The licensee must either:

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

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

16. No Assignment

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

17. Default by Licensee and Termination

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

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

- 17.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 17.1 notwithstanding rectification of the previous breach or default; or

- 17.3 the licence fee referred to in condition 10 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or

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

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

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

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

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

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

- 17.5 if the licensee is an individual, the licensee:

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

- 17.5.2 is convicted of an indictable offence.

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

18. Interpretation

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

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

- 18.2 any wording importing a gender shall include all other genders;

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

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

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

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

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

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

19. *Delegation*

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

20. *Severance*

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

21. *Modification*

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

22. *Waiver*

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

23. *Notices*

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

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

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

(L.S.) D. M. PUGLISI, Director
R. L. WRIGHT, Secretary

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area				Licensed Hectares
Zone 53				
587284E	6158017N	135°57'11"	-34°42'57"	30
587664E	6158142N	135°57'26"	-34°42'53"	
587898E	6157430N	135°57'35"	-34°43'16"	
587518E	6157305N	135°57'21"	-34°43'20"	

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

The boundary of the site to be marked either with:

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

or

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

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

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

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

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

Sea Cages 14

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

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

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee 30 at \$126.70 each.....	3 801.00
Base Licence Fee 30 at \$321.34 each.....	9 640.20
Total Annual Licence Fee	13 441.20

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00014

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

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

Australian Bluefin Pty Ltd
P.O. Box 1607
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

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

6. *Sea Cages*

The licensee:

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

7. *Location of Sea Cages*

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

8. *Marking and Maintaining the Site*

The licensee:

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

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

9. *Site Inspection and Supervision*

The licensee:

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

10. *Fees and Returns*

The licensee:

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

11. *Compliance With Relevant Laws*

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

12. *Public Risk Indemnity*

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

13. *Release*

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

14. *Public Risk Insurance*

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

15. *Guarantee or Indemnity Scheme*

The licensee must either:

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

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

16. *No Assignment*

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

17. *Default by Licensee and Termination*

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

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

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

18. Interpretation

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

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

19. Delegation

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

20. Severance

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

21. Modification

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

22. Waiver

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

23. Notices

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

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 3 May 1999.

G. MORGAN, Director of Fisheries

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

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

(L.S.) D. M. PUGLISI, Director
R. L. WRIGHT, Secretary

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
588575E 6158555N 135°58'02" -34°42'39"	30
588991E 6158726N 135°58'18" -34°42'34"	
589245E 6158109N 135°58'28" -34°42'54"	
588829E 6157938N 135°58'12" -34°42'59"	

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

The boundary of the site to be marked either with:

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

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

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

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

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

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

Sea Cages 14

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

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

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee 30 at \$126.70 each.....	3 801.00
Base Licence Fee 30 at \$321.34 each.....	9 640.20
Total Annual Licence Fee.....	13 441.20

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

- If any disease or symptom of disease occurred in the acquired fish.
- Method of disposal of diseased or dead fish and the number disposed of.
- Signature, date and telephone number.
- Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00007
(PREVIOUS LICENCE NO. F606)

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

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

Australian Bluefin Pty Ltd
Australian Fishing Enterprises Pty Ltd
Australian Tuna Fisheries Pty Ltd
Emily Krstina (Australia) Pty Ltd
P.O. Box 1607
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

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

2. Marked-off Areas

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

3. Permitted Species

The licensee:

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

4. Permitted Use

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

5. Permitted Methods

The licensee:

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

6. Sea Cages

The licensee:

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

7. Location of Sea Cages

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

8. Marking and Maintaining the Site

The licensee:

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

9. Site Inspection and Supervision

The licensee:

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

10. Fees and Returns

The licensee:

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

11. Compliance With Relevant Laws

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

12. Public Risk Indemnity

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

13. Release

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

14. Public Risk Insurance

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

15. Guarantee or Indemnity Scheme

The licensee must either:

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

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

16. No Assignment

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

17. Default by Licensee and Termination

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

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

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

18. Interpretation

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

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

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

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

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

19. Delegation

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

20. Severance

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

21. Modification

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

22. Waiver

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

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

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

23. Notices

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

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

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

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

(a) if delivered, upon delivery;

(b) if sending by mail, upon posting;

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

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

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 5 May 1999.

G. MORGAN, Director of Fisheries

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

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

(L.S.) R. L. WRIGHT, Director
D. M. PUGLISI, Secretary

The Common Seal of Emily Krstina (Australia) Pty Ltd was hereunto affixed in the presence of:

(L.S.) A. WHITTAKER, Director

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

(L.S.) G. ANDREW
G. CHILLINGWORTH, Secretary

The Common Seal of Australian Fishing Enterprises Pty Ltd was hereunto affixed in the presence of:

(L.S.) D. SARIN, Director

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
585888E 6156478N 135°56'17" -34°43'48"	20
585752E 6156106N 135°56'12" -34°44'00"	
585306E 6156277N 135°55'54" -34°43'54"	
585440E 6156648N 135°55'59" -34°43'42"	

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

The boundary of the site to be marked either with:

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

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

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

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

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

Sea Cages 10

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 70 tonnes in total during the term of the licence.

The maximum stocking density of fish introduced into the site must not exceed 4 kg/m³.

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

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

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00015

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

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

Resources and Regional Development ('the Minister') hereby grants to:

Emily Krstina (Australia) Pty Ltd
Kinkawooka Pty Ltd
Sea Marine Holdings Pty Ltd
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. Licence

The parties acknowledge and agree that:

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

2. Marked-off Areas

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

3. Permitted Species

The licensee:

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

4. Permitted Use

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

5. Permitted Methods

The licensee:

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

6. Sea Cages

The licensee:

- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and

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

7. Location of Sea Cages

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

8. Marking and Maintaining the Site

The licensee:

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

9. Site Inspection and Supervision

The licensee:

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

10. Fees and Returns

The licensee:

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

11. Compliance With Relevant Laws

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

12. Public Risk Indemnity

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

13. Release

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

14. Public Risk Insurance

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

15. Guarantee or Indemnity Scheme

The licensee must either:

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

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

16. No Assignment

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

17. Default by Licensee and Termination

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

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

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

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

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

17.5 if the licensee is an individual, the licensee:

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

17.5.2 is convicted of an indictable offence.

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

18. Interpretation

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

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

19. Delegation

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

20. Severance

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

21. Modification

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

22. *Waiver*

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

23. *Notices*

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 5 May 1999.

G. MORGAN, Director of Fisheries

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

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

(L.S.) B. PUGLISI, Director
A. C. PUGLISI, Secretary

The Common Seal of Emily Krstina (Australia) Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. M. SANTIL, Director
C. S. ANTIL, Secretary

The Common Seal of Sea Marine Holdings Pty Ltd was hereunto affixed in the presence of:

(L.S.) J. FORSTER, Director

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area				Licensed Hectares
Zone 53				
585749E	6162066N	135°56'09"	-34°40'46"	30
586179E	6162321N	135°56'26"	-34°40'38"	
586485E	6161805N	135°56'38"	-34°40'55"	
586055E	6161550N	135°56'21"	-34°41'03"	

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

The boundary of the site to be marked either with:

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

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

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

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

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

Sea Cages 14

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

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

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee 30 at \$126.70 each.....	3 801.00
Base Licence Fee 30 at \$321.34 each.....	9 640.20
Total Annual Licence Fee.....	13 441.20

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00011

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

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

AJKA Pty Ltd
Marnikol Fisheries Pty Ltd
P.O. Box 10
Port Lincoln, S.A. 5606,

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

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

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

2. *Marked-off Areas*

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

3. *Permitted Species*

The licensee:

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

4. *Permitted Use*

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

5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;

- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Schedule 2 of this licence.
6. *Sea Cages*
The licensee:
- 6.1 must ensure that all sea cages on the site have anti-predator protection satisfactory to the Minister at all times during the term; and
- 6.2 must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.
7. *Location of Sea Cages*
The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.
8. *Marking and Maintaining the Site*
The licensee:
- 8.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 8.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 8.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 8.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.
9. *Site Inspection and Supervision*
The licensee:
- 9.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 9.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.
10. *Fees and Returns*
The licensee:
- 10.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 10.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.
11. *Compliance With Relevant Laws*
- 11.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 11.2 in particular, without derogating from the general requirement under condition 11 of this licence:
- 11.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
- 11.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.
12. *Public Risk Indemnity*
The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.
13. *Release*
The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.
14. *Public Risk Insurance*
The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.
15. *Guarantee or Indemnity Scheme*
The licensee must either:
- 15.1 provide a guarantee from its bankers; or
- 15.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,
- to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.
16. *No Assignment*
The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.
17. *Default by Licensee and Termination*
The Minister may terminate this licence immediately by notice in writing served on the licensee if:
- 17.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or

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

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

18. Interpretation

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

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

19. Delegation

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

20. Severance

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

21. Modification

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

22. Waiver

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

23. Notices

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

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 5 May 1999.

G. MORGAN, Director of Fisheries

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

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

(L.S.) M. VALCIC, Director

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
Zone 53	
587548E 6159578N 135°57'21" -34°42'07"	30
588196E 6159954N 135°57'46" -34°41'54"	
588397E 6159608N 135°57'54" -34°42'05"	
587748E 6159232N 135°57'29" -34°42'18"	

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

The boundary of the site to be marked either with:

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

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

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

Item 2—Marked-Off Areas

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

SCHEDULE 2

Permitted Species

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

Southern Bluefin Tuna (*Thunnus maccoyii*)

Permitted Farming Methods

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

Sea Cages 14

Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

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

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

	\$
TEMP Environmental Monitoring Fee 30 at \$126.70 each	3 801.00
Base Licence Fee 30 at \$321.34 each	9 640.20
Total Annual Licence Fee	13 441.20

Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

SCHEDULE 4

Returns

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

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

GAMING MACHINES ACT 1992

Notice of Application for Transfer of a Gaming Machine Licence

NOTICE is hereby given, pursuant to section 29 of the Gaming Machines Act 1992, that Parafield Washers Pty Ltd (ACN 084 519 326) as trustee for the Farrelly Investment Trust, 59 Pennington Terrace, North Adelaide, S.A. 5006 has applied to the Liquor Licensing Commissioner for the transfer of a Gaming Machine Licence in respect of premises situated at 117 Kermode Street, North Adelaide, S.A. 5006 and known as Queens Head Hotel.

The application has been set down for hearing on 11 June 1999.

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

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 9th Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 29 April 1999.

Applicant

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 September 1998

	\$		\$
Agents, Ceasing to Act as.....	27.70	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	20.70
Incorporation.....	14.10	Discontinuance Place of Business.....	20.70
Intention of Incorporation.....	34.75	Land—Real Property Act:	
Transfer of Properties.....	34.75	Intention to Sell, Notice of.....	34.75
Attorney, Appointment of.....	27.70	Lost Certificate of Title Notices.....	34.75
Bailiff's Sale.....	34.75	Cancellation, Notice of (Strata Plan).....	34.75
Cemetery Curator Appointed.....	20.70	Mortgages:	
Companies:		Caveat Lodgment.....	14.10
Alteration to Constitution.....	27.70	Discharge of.....	14.95
Capital, Increase or Decrease of.....	34.75	Foreclosures.....	14.10
Ceasing to Carry on Business.....	20.70	Transfer of.....	14.10
Declaration of Dividend.....	20.70	Sublet.....	7.10
Incorporation.....	27.70	Leases—Application for Transfer (2 insertions) each.....	7.10
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	20.70
First Name.....	20.70	Licensing.....	41.30
Each Subsequent Name.....	7.10	Municipal or District Councils:	
Meeting Final.....	23.20	Annual Financial Statement—Forms 1 and 2.....	390.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	276.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name.....	55.40
First Name.....	27.70	Each Subsequent Name.....	7.10
Each Subsequent Name.....	7.10	Noxious Trade.....	20.70
Notices:		Partnership, Dissolution of.....	20.70
Call.....	34.75	Petitions (small).....	14.10
Change of Name.....	14.10	Registered Building Societies (from Registrar-	
Creditors.....	27.70	General).....	14.10
Creditors Compromise of Arrangement.....	27.70	Register of Unclaimed Moneys—First Name.....	20.70
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name.....	7.10
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	34.75	Rate per page (in 8pt).....	176.00
Release of Liquidator—Application—Large Ad.....	55.40	Rate per page (in 6pt).....	233.00
—Release Granted.....	34.75	Sale of Land by Public Auction.....	35.25
Receiver and Manager Appointed.....	32.30	Advertisements.....	1.95
Receiver and Manager Ceasing to Act.....	27.70	Advertisements, other than those listed are charged at \$1.95	
Restored Name.....	26.30	per column line, tabular one-third extra.	
Petition to Supreme Court for Winding Up.....	48.35	Notices by Colleges, Universities, Corporations and District	
Summons in Action.....	41.30	Councils to be charged at \$1.95 per line.	
Order of Supreme Court for Winding Up Action.....	27.70	Where the notice inserted varies significantly in length from	
Register of Interests—Section 84 (1) Exempt.....	62.45	that which is usually published a charge of \$1.95 per column line	
Removal of Office.....	14.10	will be applied in lieu of advertisement rates listed.	
Proof of Debts.....	27.70	South Australian Government publications are sold on the	
Sales of Shares and Forfeiture.....	27.70	condition that they will not be reproduced without prior	
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Deceased Persons—Closed Estates.....	20.70		
Each Subsequent Estate.....	0.90		
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Public Trustee, each Estate.....	7.10		

GOVERNMENT GAZETTE NOTICES

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

MISCELLANEOUS LEGISLATION AND GOVERNMENT PUBLICATIONS PRICES AS FROM 1 SEPTEMBER 1998

Acts, Bills, Rules, Parliamentary Papers and Regulations

Pages	Main	Amends	Pages	Main	Amends
1-16	1.55	0.75	497-512	22.70	21.85
17-32	2.25	1.40	513-528	23.30	22.45
33-48	2.85	2.05	529-544	24.05	23.20
49-64	3.60	2.70	545-560	24.65	23.85
65-80	4.25	3.45	561-576	25.40	24.55
81-96	4.90	4.10	577-592	26.00	25.20
97-112	5.60	4.75	593-608	26.70	25.80
113-128	6.25	5.45	609-624	27.50	26.70
129-144	7.00	6.15	625-640	28.00	27.25
145-160	7.70	6.80	641-656	28.85	27.80
161-176	8.35	7.50	657-672	29.35	28.55
177-192	9.00	8.20	673-688	30.20	29.35
193-208	9.70	8.85	689-704	30.95	29.90
209-224	10.35	9.50	705-720	31.45	30.70
225-240	10.95	10.20	721-736	32.30	31.25
241-257	11.75	10.85	737-752	33.00	32.00
258-272	12.50	11.50	753-768	33.55	32.50
273-288	13.10	12.30	769-784	34.05	33.35
289-304	13.75	12.90	785-800	34.90	34.05
305-320	14.45	13.55	801-816	35.45	34.60
321-336	15.15	14.25	817-832	36.25	35.45
337-352	15.80	15.05	833-848	37.00	35.95
353-368	16.50	15.65	849-864	37.50	36.80
369-384	17.15	16.40	865-880	38.35	37.50
385-400	17.85	17.05	881-896	38.85	38.05
401-416	18.50	17.65	897-912	39.70	38.85
417-432	19.25	18.40	913-928	40.25	39.70
433-448	19.85	19.00	929-944	40.95	40.25
449-464	20.60	19.65	945-960	41.80	40.75
465-480	21.20	20.40	961-976	42.30	41.50
481-496	21.85	21.00	977-992	43.15	42.00

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GOVERNMENT LAND SALE

UNDER THE CROWN LANDS ACT 1929

SECTION 228

Department for Environment, Heritage and Aboriginal
Affairs, Adelaide, 11 May 1999

NOTICE is hereby given that the undermentioned Crown Land will be offered for sale by public auction at Italo-Australian Miners Club, Italian Club Road, Coober Pedy, on Thursday, 11 May 1999, at 4 p.m.

Conditions of Sale

Subject to a reserve price the allotment shall be sold at the highest bid.

If any dispute arises at the fall of the hammer, the allotment may be put up again at the discretion of the auctioneer.

The allotment will not be sold to any person under the age of 18 years and no such person shall be entitled to obtain a land grant.

All biddings must be made in an audible voice; and the name of the purchaser as declared by the highest bidder will be announced by the auctioneer, and immediately entered by him, against the allotment sold; and such entry shall be taken as conclusive evidence of the allotment having been bought by the person whose name has been so announced and entered; and the land grant shall issue accordingly.

No advance of less than one dollar will be taken as a bid by the auctioneer.

If at the conclusion of sale any deposit that is unpaid the allotment may be at once re-offered.

Time shall be deemed to be of the essence of the contract.

The sale is also subject to all Acts and Regulations now in force relating to the sale of Crown Lands.

The purchaser shall pay to the Department for Environment, Heritage and Aboriginal Affairs the full purchase money or a deposit of at least 20 per centum thereof at the time of the sale and the balance, if any, within one calendar month or 20 per centum of the purchase price on fall of the hammer with the balance to be paid under agreement for sale and purchase conditions.

The purchaser shall also pay within one calendar month of the date of the sale the sum of \$225 for the preparation and registration of a land grant.

D. C. KOTZ, Minister for Environment and
Heritage

THE SCHEDULE

TOWN OF COOBER PEDY—OUT OF HUNDREDS

Commercial Purposes

Allotment	Area (Square Metres)
32	4 716

Residential Purposes

Allotment	Area (Square Metres)
137	980
874	2 566
1685 in Deposited Plan 25330	3 635

Building time conditions nil.

A. J. HOLMES, Director, Heritage and
Biodiversity

DEHAA 14/0176

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Parafield Washers Pty Ltd (ACN 084 519 326) as Trustee for the Farrelly Investment Trust, 59 Pennington Terrace, North Adelaide, S.A. 5006 has applied to the Licensing Authority for the transfer of a Hotel Licence in respect of premises situated at 117 Kermode Street, North Adelaide, S.A. 5006 and known as Queens Head Hotel.

The application has been set down for hearing on 11 June 1999.

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

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

Dated 5 May 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Kellyvale (No. 87) Pty Ltd has applied to the Licensing Authority for a Variation to an Extended Trading Authorisation in respect of premises situated at 88 Wright Street, Adelaide, S.A. 5000 and known as Old Queen's Arms Hotel.

The application has been set down for hearing on 11 June 1999.

Conditions

The following licence conditions are sought:

Variation to an Extended Trading Authorisation to Authorise the sale of liquor for consumption on the licensed premises on Sunday, 8 a.m. to 11 a.m. and 8 p.m. to 10 p.m. and for consumption off the licensed premises on Sunday 8 a.m. to 11 a.m. and 8 p.m. to 9 p.m.

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

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

Dated 6 May 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Maya Sweets Pty Ltd has applied to the Licensing Authority for a Restaurant Licence in respect of premises to be situated at 10 Market Place, Adelaide, S.A. 5000 and to be known as Maya Indian Sweets.

The application has been set down for hearing on 11 June 1999.

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

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

Dated 10 May 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Adrian Saturno Nominees Pty Ltd (ACN 007 891 447) and Leon Saturno Nominees Pty Ltd (ACN 007 891 439) both of 97 The Parade, Norwood, S.A. 5067 have applied to the Licensing Authority for a Retail Liquor Merchant's Licence in respect of premises to be situated at Shops 9, 9A and 10, Dernancourt Shopping Centre, 840 Lower North East Road, Dernancourt, S.A. 5075 and to be known as Saturno's Dernancourt Cellars.

The application has been set down for hearing on 11 June 1999 at 9 a.m.

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

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

Dated 30 April 1999.

Applicants

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Renmark Hotel Inc. has applied to the Licensing Authority for a Variation to the Conditions of the Entertainment Consent in respect of premises situated at Murray Avenue, Renmark and known as Renmark Hotel Motel.

The application has been set down for hearing on Friday, 11 June 1999 at 9 a.m.

Conditions

The following licence conditions are sought:

That entertainment shall be permitted in the proposed new lounge, lobby and function room.

The entertainment in the function room shall be confined to receptions and private functions only.

The entertainment in the lobby and lounge shall be occasional and comprise only light non-intrusive music.

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

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

Dated 5 May 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Paul Anthony Wallace, Ross Stanley Walkington and Elizabeth Carol Taylor have applied to the Licensing Authority for a Variation to an Extended Trading Authorisation in respect of premises situated at 233 Currie Street, Adelaide, S.A. 5000 and known as Edinburgh Castle Hotel.

The application has been set down for hearing on 11 June 1999.

Conditions

The following licence conditions are sought:

Variation to an Extended Trading Authorisation to authorise the sale of liquor for consumption on the licensed premises between the following hours, Monday to Saturday: midnight to 3 a.m. the following morning and Sunday: 8 p.m. to 3 a.m. the following morning.

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

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

Dated 7 May 1999.

Applicants

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Adelaide University Union known as The Adelaide University Union of The University of Adelaide, North Terrace, Adelaide, S.A. 5005 has applied to the Licensing Authority for a Variation of conditions of licence, being a Special Circumstances Licence in respect of premises situated at The University of Adelaide, North Terrace, Adelaide, S.A. 5005 and known as Adelaide University Union.

The application has been set down for hearing on 11 June 1999.

Conditions

The following licence conditions are sought:

1. To sell liquor in the whole of the licensed premises during the following times:

Monday to Thursday, inclusive between 11 a.m. and 1 a.m. on the following day; on Friday and Saturday, inclusive from 11 a.m. to 3 a.m. the following day; on Sunday, from noon to midnight.

2. To sell liquor for consumption off the premises to the University of Adelaide, University of Adelaide Clubs, University of Adelaide Faculties for consumption at organised functions or events being conducted under the auspices of those entities and being held on the University of Adelaide Campus, and to individual students of the University of Adelaide for consumption off the University of Adelaide Campus. Liquor sold pursuant to this authorisation shall not be in quantities consistent with personal or individual consumption.

3. Authorisation for the sale of liquor in the areas outlined in blue on the Plan accompanying the application at such times as the licensee elects to do so in conjunction with a function or functions to be conducted at the licensed premises between the following times:

On a Friday, Saturday or a day falling on the eve of a Public Holiday between 11 a.m. and 1 a.m. on the morning next following that day, and on any other day between 11 a.m. and midnight.

The applicant applies for entertainment consent in respect of such function or functions.

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

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

Dated 4 May 1999.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Baileyana Pty Ltd (ACN 087 432 362), c/o Bonnins, Level 14, 100 King William Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for the transfer of a Residential Licence in respect of the premises situated at 2 Hawker Avenue, Plympton Park and known as Adelaide Supercentre Motel.

The application has been set down for hearing on 15 June 1999 at 10.30 a.m.

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

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

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Richard John Kosrzej and Kym Sharon Angerson have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at Unit 3, 69 Fullarton Road, Kent Town, S.A. 5067 and known as Gowree's Bistro.

The application has been set down for hearing on 15 June 1999 at 10 a.m.

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

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

Dated 4 May 1999.

Applicants

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Valma Patricia Downton and Richard Swain Banks, have applied to the Licensing Authority for the transfer of a Special Circumstances Licence in respect of premises situated at Café on the Course at McCracken Country Club, Adelaide Road, Victor Harbor, S.A. 5211.

The application has been set down for hearing on 15 June 1999 at 9.30 a.m.

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

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

Dated 4 May 1999.

Applicants

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that St Peters Winery Pty Ltd, 57 North Terrace, Adelaide, S.A. 5000 has applied to the Licensing Authority for the transfer of a Producer's Licence in respect of premises situated at Lot No. 222, Renmark Avenue, Renmark, S.A. 5341 and known as Chris Stamou Winery.

The application has been set down for hearing on 15 June 1999 at 9 a.m.

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

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

Dated 16 April 1999.

Applicant

IRRIGATION ACT 1994

Grant of Application for Inclusion of Land in an Irrigation District

TAKE notice that Michael Armitage, Minister for Government Enterprises and the Golden Heights Irrigation Trust Incorporated, pursuant to section 12 of the Irrigation Act 1994, do hereby grant the application by P. Falcinella and Partners (the applicant) for the inclusion of section 127, Hundred of Waikerie in the Golden Heights Irrigation District.

This grant of application is subject to the following conditions:

1. Pursuant to section 33 (2) of the Irrigation Act 1994, the Golden Heights Irrigation Trust will fix an initial water allocation to P. Falcinella and Partners.

2. The cost of the main to supply the said land will be borne by the applicant.

3. The internal irrigation system within section 127, Hundred of Waikerie must be approved by the Golden Heights Irrigation Trust.

4. B. P. Falcinella and Partners shall submit a professionally developed Land and Water Management Plan to the Golden Heights Irrigation Trust, and shall comply with the requirement to measure soil moisture and irrigate in accordance with the Plan.

5. The payment of a Water Supply Charge and Water Usage Charge as determined specifically by the Trust, from time to time, in respect to this land.

6. This approval takes effect from the date hereof.

Dated 3 May 1998.

(L.S.) MICHAEL ARMITAGE, Minister for
Government Enterprises

Signed for and on behalf of the Golden Heights Irrigation Trust.

(L.S.) B. J. HARDEN, Chairman

M. VEGTER, Secretary

ROADS (OPENING AND CLOSING) ACT, 1991 SECTION 24

NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

*Davidson Road, Barmera—
Deposited Plan 49132*

BY Road Process Order made on 14 November 1997, The Berri Barmera Council ordered that:

1. Portion of the public road (Davidson Road) situated between Gordon Road and Basham Road and adjacent to Dunstone Road, more particularly delineated and lettered 'A' to 'H', (inclusive) 'J' to 'N' (inclusive) and 'P' to 'U' (inclusive) in Preliminary Plan No. PP32/0082 be closed.

2. Vest in the Crown the whole of the land subject to closure lettered 'A' and add that land to Section 1122 held by SPIRIDON SIOZIOS under Crown Lease Volume 1604 Folio 90 in accordance with the agreement for transfer dated 22 May 1997 entered into between The Berri Barmera Council and S. Siozios.

3. Vest in the Crown the whole of the land subject to closure lettered 'B' and add that land to Allotment 1 in DP 23340 held by CLYDE RANDALL SIVIOUR and JENNIFER MURIEL SIVIOUR under Crown Lease Volume 1018 Folio 18 in accordance with the agreement for transfer dated 9 May 1997 entered into between The Berri Barmera Council and C. R. Siviour and J. M. Siviour.

4. Vest in the Crown the whole of the land subject to closure lettered 'C' and add that land to Allotment 2 in DP 23340 held by CLYDE RANDALL SIVIOUR and JENNIFER MURIEL SIVIOUR under Crown Lease Volume 787 Folio 2 in accordance with the agreement for transfer dated 9 May 1997 entered into between The Berri Barmera Council and C. R. Siviour and J. M. Siviour.

5. Vest in the Crown the whole of the land subject to closure lettered 'D' and add that land to Section 492 held by RICKY MARK HAMOOD and WENDY MARIE HAMOOD under Crown Lease Volume 915 Folio 6 in accordance with the agreement for transfer dated 1 May 1997 entered into between The Berri Barmera Council and R. M. Hamood and W. M. Hamood.

6. Vest in the Crown the whole of the land subject to closure lettered 'E' and add that land to Section 817 held by RICKY MARK HAMOOD and WENDY MARIE HAMOOD under Crown Lease Volume 1604 Folio 91 in accordance with the agreement for transfer dated 1 May 1997 entered into between The Berri Barmera Council and R. M. Hamood and W. M. Hamood.

7. Vest in the Crown the whole of the land subject to closure lettered 'F' and add that land to Section 493 held by GILLIAN RUTH BEESON (formerly GILLIAN RUTH ATKINSON) under Crown Lease Volume 1592 Folio 80 in accordance with the agreement for transfer dated 23 September 1997 entered into between The Berri Barmera Council and G. R. BEESON (formerly G. R. Atkinson).

8. Vest in the Crown the whole of the land subject to closure lettered 'G' and add that land to Section 494 held by GLEN DROGEMULLER and DEBRA HELEN DROGEMULLER under Crown Lease Volume 1580 Folio 35 in accordance with the agreement for transfer dated 15 June 1997 entered into between The Berri Barmera Council and G. Drogemuller and D. H. Drogemuller.

9. Vest in the Crown the whole of the land subject to closure lettered 'H' and add that land to Section 495 held by ROBERT JOHN BANNISTER and SHARON ANNE BANNISTER under Crown Lease Volume 1572 Folio 45 in accordance with the agreement for transfer dated 13 June 1997 entered into between The Berri Barmera Council and R. J. Bannister and S. A. Bannister.

10. Vest in the Crown the whole of the land subject to closure lettered 'J' and add that land to Section 496 held by ITALO SANT under Crown Lease Volume 1592 Folio 17 in accordance with the agreement for transfer dated 29 April 1997 entered into between The Berri Barmera Council and Italo Sant.

11. Vest in the Crown the whole of the land subject to closure lettered 'K' and add that land to Section 497 held by MANFREDO ADRIAN MONACO and NICOLETTA MONACO under Crown Lease Volume 1575 Folio 39 in accordance with the agreement for transfer dated 15 April 1997 entered into between The Berri Barmera Council and M. A. Monaco and N. Monaco.

12. Vest in the Crown the whole of the land subject to closure lettered 'L' and add that land to Section 498 held by SOKRATIS KARATHANASIS and PANAGIOTA KARATHANASIS under Crown Lease Volume 1609 Folio 48

in accordance with the agreement for transfer dated 13 June 1997 entered into between The Berri Barmera Council and S. Karathanasis and P. Karathanasis.

13. Vest in the Crown the whole of the land subject to closure lettered 'M' and add that land to Section 499 held by NICOLAS MAGIARAPIS and MARIA MAGIARAPIS under Crown Lease Volume 1063 Folio 48 in accordance with the agreement for transfer dated 29 May 1997 entered into between The Berri Barmera Council and N. Magiarapis and M. Magiarapis.

14. Vest in the Crown the whole of the land subject to closure lettered 'N' and add that land to Section 500 held by KEVIN HOWARD DUNSTONE and MARGARET EDNA DUNSTONE under Crown Lease Volume 858 Folio 29 in accordance with the agreement for transfer dated 28 April 1997 entered into between The Berri Barmera Council and K. H. Dunstone and M. E. Dunstone.

15. Vest in the Crown the whole of the land subject to closure lettered 'P' and add that land to Section 501 held by DAVID WILLIAM CLAYTON and LEONIE HELEN CLAYTON under Crown Lease Volume 836 Folio 26 in accordance with the agreement for transfer dated 6 May 1997 entered into between The Berri Barmera Council and D. W. Clayton and L. H. Clayton.

16. Vest in the Crown the whole of the land subject to closure lettered 'Q' and add that land to Section 502 held by RALPH PAUL KALISCH and BARBERA KALISCH under Crown Lease Volume 809 Folio 33 in accordance with the agreement for transfer dated 30 April 1997 entered into between The Berri Barmera Council and R. P. Kalisch and B. Kalisch.

17. Vest in the Crown the whole of the land subject to closure lettered 'R' and add that land to Section 503 held by JASON CLEVE PERRIN under Crown Lease Volume 806 Folio 25 in accordance with the agreement for transfer dated 30 May 1997 entered into between The Berri Barmera Council and J. C. Perrin.

18. Vest in the Crown the whole of the land subject to closure lettered 'S' and add that land to Section 504 held by REGINALD KEITH BROCK and VIVIENNE HEATHER BROCK under Crown Lease Volume 1065 Folio 14 in accordance with the agreement for transfer dated 18 April 1997 entered into between The Berri Barmera Council and R. K. Brock and V. H. Brock.

19. Vest in the Crown the whole of the land subject to closure lettered 'T' and add that land to Section 505 held by GRAHAM ERNEST ALBERT WELLBY and JOAN HARRIETT WELLBY under Crown Lease Volume 1390 Folio 46 in accordance with the agreement for transfer dated 22 April 1997 entered into between The Berri Barmera Council and G. E. A. Wellby and J. H. Wellby.

20. Vest in the Crown the whole of the land subject to closure lettered 'U' and add that land to Section 842 held by DENNIS KEITH SMART and CORRINA VIVIENNE SMART under Crown Lease Volume 1034 Folio 45 in accordance with the agreement for transfer dated 28 May 1997 entered into between The Berri Barmera Council and D. K. Smart and C. V. Smart.

On 11 December 1997 that order was confirmed by the Minister for Environment and Heritage, conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

Pursuant to section 24(5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 13 May 1999.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Belfast Street, Athol Park

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the CITY OF CHARLES STURT proposes to make a Road Process Order to close and transfer to Packaging Investments Pty Ltd the whole of the public road (Belfast Street) east of allotment 6 on Deposited Plan 49813 and south of Ely Street, as more particularly delineated and lettered 'A' on Preliminary Plan No. PP32/0449.

A copy of the plan and a statement of persons affected are available for public inspection at the office of the Council at 72 Woodville Road, Woodville, S.A. 5011 and the Adelaide Office of the Surveyor-General during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Council at P.O. Box 1 Woodville, S.A. 5011 WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor-General at G.P.O. Box 1354, Adelaide S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 13 May 1999.

P. M. KENTISH, Surveyor-General

TREASURY AND FINANCE

Competitive Neutrality—Significant Business Activities

THE South Australian Competitive Neutrality Policy Statement provides for the identification of significant business activities undertaken by Government Agencies in two categories:

- Category 1 (Revenue greater than \$2 million per annum or assets valued at greater than \$20 million); and
- Category 2 (Other significant business activities).

Category 1 significant government businesses have previously been identified by the Government. The Government has since determined that the Fire Equipment Services business activity is a Category 1 significant business activity for competitive neutrality purposes. The Government has determined that the business activities in Table 1 are Category 2 significant business activities for competitive neutrality purposes.

Table 1: Category 2 Other Significant Business Activities

Premier and Cabinet

1. Interpretation and translating services.
2. Tourism Commission wholesale programs—SA Shorts and SA Getaway.

Industry and Trade

3. SA Centre for Manufacturing—Advanced Manufacturing Facility.

Transport, Urban Planning and the Arts

4. Artlab.

Human Services

5. Modbury Hospital Rental Accommodation.
6. RAH Rental Accommodation.
7. North Western Adelaide Health Service Equipment Hire (outside customers).
Flinders Medical Centre:
8. —Commercial Car Park.
9. —Rental of Flats.
10. —Southpath SA Pathology Services.

Administrative and Information Services

11. Building Maintenance Services.
12. Supply SA Contract Services.

Environment, Heritage and Aboriginal Affairs

13. Cleland Wildlife Park.

Primary Industries and Resources

14. Seed Certification and testing.
15. Scientific Diagnostic Services.

Education, Training and Employment

16. Learning Materials Sales (e.g. Curriculum Resource Unit).
17. International Program:
—Student Recruitment.
—International Business.

VALUATION OF LAND ACT 1971

Notice of General Valuation

PURSUANT to the Valuation of Land Act 1971, notice is hereby given that within the following Local Government Areas, I have made a general valuation of all land subject to general valuation and the dates of completion were as follows:

L.G.A. No.	Local Government Areas	Date of Completion
6802	Eyre UIA	26.12.98
6710	Naracoorte & Lucindale 1	6.2.99
6720	Naracoorte & Lucindale 2	6.2.99
5130	Karoonda East Murray	6.2.99
6400	Lacepede	6.2.99
3030	Wakefield 1	6.2.99
3720	Wakefield 2	6.2.99
8220	Robe	20.2.99
2600	Yankalilla	13.2.99
2400	Charles Sturt 1	27.2.99
2500	Charles Sturt 2	27.2.99
3430	Barunga West 1	6.3.99
9420	Barunga West 2	6.3.99
3530	Port Pirie 1	27.2.99
3540	Port Pirie 2	27.2.99
3550	Port Pirie 3	27.2.99
7830	Streaky Bay	27.2.99
7840	Ceduna	13.3.99
1100	Holdfast Bay 1	27.2.99
1200	Holdfast Bay 2	27.2.99
4830	Flinders Ranges 1	6.3.99
7400	Flinders Ranges 2	6.3.99
7560	Berri Barmera	6.3.99
2100	West Torrens 1	6.3.99
2200	West Torrens 2	6.3.99
7530	Renmark Paringa	13.3.99
4150	Murray Bridge	6.3.99
4000	Tatiara	6.3.99
4230	Goyder 1	13.3.99
4240	Goyder 2	13.3.99
6805	Lower North UIA	13.3.99
9810	Goyder 3	13.3.99
9820	Goyder 4	13.3.99
4530	Victor Harbor	13.3.99
9270	Le Hunte	20.3.99
5120	Coorong 1	20.3.99
5700	Coorong 2	20.3.99
8000	Coorong 3	20.3.99
1000	Marion	20.3.99
0710	Metro UIA	20.3.99
4610	Yorke Peninsula 1	27.3.99
5410	Yorke Peninsula 2	27.3.99
5420	Yorke Peninsula 3	27.3.99
5430	Yorke Peninsula 4	27.3.99
6804	Yorke UIA	27.3.99
5010	Peterborough 1	27.3.99
5030	Peterborough 2	27.3.99
6600	Port Augusta	27.3.99
9280	Franklin Harbour	27.3.99
3130	Kapunda Light	27.3.99
0900	Unley	27.3.99
0400	Port Adelaide Enfield 1	3.4.99
0600	Port Adelaide Enfield 2	3.4.99
4820	Orroroo Carrieton 1	10.4.99
5020	Orroroo Carrieton 2	10.4.99

L.G.A. No.	Local Government Areas	Date of Completion
9260	Cleve	10.4.99
5500	Loxton Waikerie 1	10.4.99
8210	Naracoorte Lucindale 3	10.4.99
1300	Onkaparinga 1	10.4.99
1400	Onkaparinga 2	10.4.99
5210	Kangaroo Island 1	10.4.99
5230	Kangaroo Island 2	10.4.99
8600	Onkaparinga 3	10.4.99
2000	Walkerville	10.4.99
2910	Playford 1	10.4.99
3200	Playford 2	10.4.99
5910	Loxton Waikerie 2	10.4.99
7550	Loxton Waikerie 3	10.4.99
9690	Barossa	17.4.99
6920	Roxby Downs	24.4.99
9250	Tumby Bay	24.4.99
3840	Mount Gambier CP	24.4.99
3120	Mallala	24.4.99
6806	Southern UIA	24.4.99
0300	Adelaide Hills 1	24.4.99
0500	Prospect	24.4.99
3300	Adelaide Hills 2	24.4.99
4710	Adelaide Hills 3	24.4.99
5630	Adelaide Hills 4	24.4.99
1700	Campbelltown	17.4.99
7610	Northern Areas 1	24.4.99
7630	Northern Areas 2	24.4.99
8710	Northern Areas 3	24.4.99
8500	Whyalla	1.5.99
9000	Kimba	1.5.99
9360	Elliston	1.5.99
3820	Grant 1	1.5.99
7310	Grant 2	1.5.99
8400	Wattle Range 1	1.5.99
8920	Wattle Range 2	1.5.99
8930	Wattle Range 3	1.5.99
4720	Mid Murray 1	1.5.99
4900	Gawler	1.5.99
5620	Mid Murray 2	1.5.99
7100	Mid Murray 3	1.5.99
9830	Mid Murray 4	1.5.99
0800	Mitcham	24.4.99
1500	Norwood Payneham & St Peters 1	1.5.99
1600	Norwood Payneham & St Peters 2	1.5.99
1900	Norwood Payneham & St Peters 3	1.5.99
2800	Tea Tree Gully	1.5.99
3050	Copper Coast 1	8.5.99
3410	Copper Coast 2	8.5.99
7210	Southern Mallee 1	1.5.99
7220	Southern Mallee 2	1.5.99
4400	Salisbury	8.5.99

These valuations will be in force from 1 July 1999 to 30 June 2000.

Dated 10 May 1999.

P. W. FOUNTAIN, Deputy Valuer-General

CL 110/93

RULES

Legal Practitioners Education and Admission Council 1999

PURSUANT to sections 14C, 14J and 17A of the Legal Practitioners Act 1981, as amended, and to all other enabling powers, the Legal Practitioners Education and Admission Council makes the following Rules:

PRELIMINARY

1. These Rules may be cited as the 'LPEAC Rules 1999'.
2. These Rules come into operation on the day on which they are made, namely 25 March 1999, and revoke the Rules made on 26 February 1999.

3. In these Rules, unless the contrary intention appears:

'Admission' means admission as a practitioner.

'Admitted to practise' means holding an entitlement to practise law according to the laws of any State or Territory of the Commonwealth of Australia or according to the laws of any other country in which such an entitlement is held.

'Board of Examiners' or 'Board' means the Board of Examiners established pursuant to section 14I of the Act.

'Court' means the Full Court of the Supreme Court.

'Employed practitioner' means a practitioner employed in law related employment as defined in Rule 6(3).

'Faculty' means the Faculty of Law of the University of Adelaide or the School of Law or such other body as may at any time discharge within that University the functions of the Faculty of Law.

'Graduate Certificate in Legal Practice' means the certificate so described awarded by the University of South Australia.

'Graduate Diploma in Legal Practice' ('GDLP') means the diploma so described awarded by the Law Society.

'Law Society' means the Law Society of South Australia.

'Local applicant' means a person applying for admission on the basis of academic and practical qualifications obtained in Australia.

'LPEAC' means the Legal Practitioners Education and Admission Council established pursuant to section 14B of the Act.

'Practise as a sole practitioner' means practise other than as an employed practitioner, where the employer is a practitioner of not less than five years' experience in practice, or other than as a partner or associate in a firm where at least one full-time principal is so qualified and provided also that an employer or principal so qualified is in full-time practice at the place at which the practitioner is employed or engaged.

'Practising certificate' means a practising certificate issued pursuant to Division 2 of Part 3 of the Act.

'Registrar' means the Registrar of the Supreme Court.

'School' means the School of Law of the Flinders University of South Australia or such other body as may at any time discharge within that University the functions of the School of Law.

'Supreme Court' means the Supreme Court of South Australia.

'the Act' means the Legal Practitioners Act 1981, as amended.

'the Council' means LPEAC.

'the repealed Admission Rules' means the Supreme Court Admission Rules which came into operation on 1 January 1994, as amended.

'the State' means the State of South Australia.

Any word or expression in these rules which is a word or expression which appears in the Act shall bear the same meaning as in the Act.

REQUIREMENTS FOR ADMISSION

4. (1) The academic requirements for admission in the State are:

- (a) the completion of a tertiary academic course in Australia whether or not leading to a degree in law, which includes the equivalent of at least three years' full-time study of law and which is recognised in at least one Australian jurisdiction as a sufficient academic qualification to practise law; and
- (b) the completion of a course of study, whether as part of subrule (1)(a) or otherwise, which is recognised in at least one Australian jurisdiction as a sufficient academic qualification for admission and which demonstrates understanding and competence in the following areas of knowledge:
 - * Criminal Law and Procedure
 - * Torts
 - * Contracts
 - * Property both Real (including Torrens system land) and Personal
 - * Equity (including Trusts)
 - * Administrative Law
 - * Federal and State Constitutional Law
 - * Civil Procedure
 - * Evidence
 - * Company Law
 - * Professional Conduct (including basic trust accounting)

(2) The Degree of Bachelor of Laws of the University of Adelaide or either of the degrees of Bachelor of Laws or Bachelor of Laws and Legal Practice of The Flinders University of South Australia are, so long as in the opinion of the Council they require understanding and competence in the areas of knowledge referred to in Rule 4(1)(b), a sufficient academic course for the purposes of this rule.

(3) Notwithstanding the foregoing, the requirement for the completion of a course in Professional Conduct may be fulfilled by the successful completion of such a course as part of one or other of the courses referred to in Rule 5(1)(a), (b) or (c), or in the case of an applicant who undertakes articles of clerkship, by the successful completion, before or during the term of the articles, of such course in Professional Conduct as may be approved for that purpose by the Council.

(4) Each of the areas of knowledge referred to in subrule (1)(b) must include the elements referred to in Appendix A.

5. (1) Subject to subrule (3) hereof, the practical requirements for admission are the successful completion of:

- (a) the course of study leading to the grant of the Graduate Diploma in Legal Practice; or
- (b) the course of study leading to the grant of the degree of Bachelor of Laws and Legal Practice of the Flinders University of South Australia; or
- (c) a practical legal skills training course in Australia which has been approved by the Council as satisfying the requirement for practical training and experience in legal skills for admission to practise for the purposes of these rules; or
- (d) at least one year's articles of clerkship served in the State.

(2) Except in the case of a course approved under subrule (4) hereof or, unless the Council grants an exemption, the practical requirements for admission may not be commenced until completion of the academic requirements.

(3) None of the courses referred to in subrules 5(1)(a), (b) or (c) hereof will be taken to fulfil the practical requirements for admission unless the Council is satisfied that it will impart an adequate level of understanding and competence in the following areas of practice, which are to include the elements referred to in Appendix B:

- * Ethics and Professional Responsibility
- * Trust and Office accounting
- * Work Management
- * Legal Writing and Drafting
- * Interviewing
- * Negotiation and Dispute Resolution
- * Legal Analysis and Research
- * Advocacy
- * Litigation
- * Property Practice
- * Wills and Estate Management
- * Commercial and Corporate Practice

(4) A course of the kind referred to in 5(1)(a), (b) or (c) may be undertaken either wholly or in part in conjunction with, or as part of, a tertiary academic course intended to fulfil the academic requirements for admission, if:

- (i) it complies with this rule; and
- (ii) the study of the areas of practice referred to in subrule 5(3) or any of them is sufficiently proximate to the time of completion of both courses and is not commenced until a stage at which, in the opinion of the Council, a sufficient academic grounding has first been achieved.

(5) For the purpose of forming the opinions respectively referred to in Rule 4(2) and Rule 5(2), the granting of approval under Rule 5(1)(c), the granting of an exemption under Rule 5(2), its consideration of the elements referred to in Appendix B for the purposes of Rule 5 and for any other purpose relating to the exercise of its powers under these Rules, the Council may:

- (a) delegate all or any of its powers to the Board;
- (b) seek a report from the Board;
- (c) appoint an *ad hoc* advisory committee which may comprise or include persons who are not members either of the Council or of the Board, to report to the Council;
- (d) either in a particular case or generally, have regard to and give such weight as it thinks appropriate to any approval, exemption, condition imposed by, or decision of any other admitting authority or other statutory or regulatory body whose activities relate to legal practitioners in any other State or Territory of Australia,

PROVIDED THAT before approving any practical legal skills training course for the purposes of Rule 5(1)(3), the Council will obtain a report from the Board.

RIGHT TO PRACTISE FOLLOWING ADMISSION

6. (1) Subject to subrule (2), a local applicant admitted to practise by reliance upon Rules 4 and 5 shall not be entitled to practise as a sole practitioner until he or she has completed at least twelve months' continuous full-time employment as an employed practitioner following the first issue to him or her of a practising certificate.

(2) The period of twelve months referred to in subrule (1) shall be reduced by one half of any period of full-time law-related employment in which the applicant was engaged in excess of three months or an aggregate of three months, commenced and completed within two years prior to the first issue to him or her of a practising certificate, but the reduction shall not exceed six months.

(3) For the purposes of this rule 'law-related employment' means employment in Australia:

- * in a private law practice;
- * in a government department or semi-government authority if the employment requires the performance of the work of a legal practitioner and which the Board considers appropriate for the purposes of this rule;

- * in a corporate legal office;
- * in a community legal service;
- * in the office of the Crown Solicitor, the South Australian Director of Public Prosecutions, the Commonwealth Australian Government Solicitor or the Commonwealth Director of Public Prosecutions;
- * in any other organisation, department or office which the Board approves for the purposes of this rule;
- * as a judge's associate.

NEW ZEALAND APPLICANTS

7. After 1 February 1999 and prior to the adoption in the State of South Australia of the Trans-Tasman Mutual Recognition Act 1997 (Cth), the admission of New Zealand practitioners is governed by the repealed Admission Rules, as to which:

- (1) references to the Board are to be taken to be references to the Board of Examiners as defined in these rules; and
- (2) in lieu of the filing of any document as provided in the relevant provisions of the repealed Admission Rules, the applicant shall lodge with the Board any such document.

8. On and after the adoption in South Australia of the Trans-Tasman Mutual Recognition Act 1997 (Cth) ('the Trans-Tasman Act'), the following rules shall apply.

9. (a) A notice pursuant to section 18 of the Trans-Tasman Act shall:

- (i) be in Form 1 in the schedule hereto;
- (ii) be lodged with the Board;
- (iii) contain such information as may be necessary to comply with section 18(2) of the Trans-Tasman Act;
- (iv) shall have attached to it the original or a copy of the instrument evidencing the applicant's existing registration or entitlement to practise;
- (v) incorporate a statutory declaration verifying the statements and other information in the notice;
- (vi) contain an address for service, being an address to which any notice or other communication may be forwarded by the Board.

(b) Following the lodgment of the notice referred to in (b), the Board shall, within one month thereafter:

- (i) subject to the exercise by the Board of its power to postpone registration, consider and determine whether any, and if so what, conditions should be imposed pursuant to section 19(5) of the Trans-Tasman Act;
- (ii) notify the applicant in writing of its decision to grant, postpone or refuse registration, or to impose conditions on registration;
- (iii) in the event that the Board postpones registration pursuant to section 21 of the Trans-Tasman Act, such postponement, or any aggregate period of postponement if there is more than one, shall not exceed six months from the date of lodgment with the Board of the notice given under (a) hereof.

(c) The Board may impose conditions applicable to deemed registration arising pursuant to Division 3 of the Trans-Tasman Act. Subject to the Trans-Tasman Act, such conditions:

- (i) may be expressed in general terms applying to all deemed registrations, or deemed registrations of a particular class or kind, or may be expressed in terms applying to a particular applicant for registration;
- (ii) shall be effective according to their terms.

- (d) Where registration is granted pursuant to this rule, the Law Society shall, on payment by the registrant of such fees and levies as would be payable in the event that the registrant was a local applicant admitted to practise, and upon production of evidence of participation in a professional indemnity insurance scheme under section 52 of the Act, or of a certificate of exemption from the same, issue to the registrant a practising certificate.
- (e) A practising certificate issued pursuant to (d) shall be endorsed so as to indicate what, if any, conditions have been imposed pursuant to section 19(5) of the Act, and shall take effect subject to any such conditions.
- (f) Notwithstanding any other provision of these rules, no decision made pursuant to this rule shall be the subject of appeal or review other than by way of review pursuant to section 33 of the Trans-Tasman Act.

OVERSEAS APPLICANTS

10. (1) A person who holds qualifications obtained outside Australia which are recognised as qualifying him or her to be admitted to practise in an overseas jurisdiction, including New Zealand, but who is not admitted to practise in that jurisdiction, may apply to the Board for a direction as to what further academic or practical requirements must be complied with in order to satisfy the requirements for admission in the State.

(2) An applicant for such a direction must lodge with the Board a statutory declaration:

- (a) stating the nature and details of the applicant's academic qualifications and practical qualifications and experience;
- (b) providing evidence that the applicant has the academic and practical qualifications relied on, exhibiting to the statutory declaration any original or authenticated documentation relied upon;
- (c) stating whether the applicant has applied for admission in any other Australian jurisdiction and the result of any such application.

11. (1) In dealing with any application under Rule 10, the Board may refuse the application or direct that the applicant:

- (a) comply with any further academic requirements as may be specified by the Board;
- (b) obtain further specified practical training or experience or both;
- (c) is not required to undertake any further academic or practical training.

(2) In formulating directions pursuant to subrule (1), the Board shall endeavour to ensure that the applicant's qualifications, training and experience equate as closely as may be reasonably practical with those of a local applicant.

(3) Upon completion of the requirements of the Board given pursuant to this rule, or where the Board determines that no further academic or practical training is required, the applicant shall be deemed to have satisfied the academic and practical requirements for admission in the State.

12. (1) A person who is admitted to practise in an overseas jurisdiction other than New Zealand may apply to the Board for a direction as to what academic and practical requirements must be complied with.

(2) An applicant for such a direction must file a statutory declaration:

- (a) giving details of the applicant's academic qualifications and practical training;
- (b) providing original or authenticated documentary evidence that the applicant has the academic and practical qualifications relied upon;
- (c) providing original or authenticated documentary evidence of the applicant's admission in the overseas jurisdiction;
- (d) stating that the applicant is currently admitted and entitled to practise in the overseas jurisdiction, has not at any stage been struck off the roll of practitioners or otherwise suspended from practice and is not presently subject to disciplinary inquiry or proceedings;
- (e) describing the nature, range, duration and character of the applicant's practice in the overseas jurisdiction; and
- (f) stating whether the applicant has applied for admission in any other Australian jurisdiction and the result of any such application.

13.(1) In dealing with any application under Rule 10, the Board may refuse the application or direct that the applicant:

- (a) comply with any further academic requirements as may be specified by the Board;
- (b) obtain further specified practical training or experience or both;
- (c) is not required to undertake any further academic or practical training.

(2) In formulating directions pursuant to subrule (1), the Board shall endeavour to ensure that the applicant's qualifications, training and experience equate as closely as may be reasonably practicable with those of a local applicant.

(3) Upon completion of the requirements of the Board given pursuant to this Rule, or where the Board determines that no further academic or practical training is required, the applicant shall be deemed to have satisfied the academic and practical requirements for admission in the State.

14. If the native language of an applicant for admission in the State is not English, the applicant must satisfy the Board that the applicant has a sufficient knowledge of written and spoken English to practise in Australia.

15. The Board may, in relation to any application made by an overseas applicant, make such further enquiries as it thinks fit concerning the system of jurisprudence of the country in which the applicant has obtained his or her qualifications or in which the applicant has been admitted as a legal practitioner (as the case may be), the nature and adequacy of the applicant's training and experience in the practice of the law and the applicant's fitness to be admitted to practise in this State and the Board may, if it thinks fit, act in respect of such matters on the written advice of the Attorney-General or the Solicitor-General for the State of South Australia, the Dean or Associate Dean of the Faculty or School or on the report of a committee appointed by the Board for that purpose.

ENTRY INTO ARTICLES OF CLERKSHIP

16. No person may enter into Articles of Clerkship unless:

- (a) he or she has fulfilled the academic requirements for admission; and
- (b) he or she has duly applied for, but has been unable to obtain, entry into the course leading to the grant of the GDLP or a course conducted in South Australia and approved by the Council pursuant to Rule 5(1)(c) in the year for which he or she wishes to serve in articles; and
- (c) he or she has given to the Board and to the Law Society at least twenty-one clear days' notice of his or her intention to enter into Articles. Such notice shall be in Form 2 in the schedule hereto.

17. Within one month after the execution of Articles of Clerkship the articulated clerk shall:

- (a) lodge the articles with the Board, together with a statutory declaration verifying the due execution thereof;
- (b) produce to the Board a certificate or certificates given by the appropriate authority showing that the clerk has fulfilled the academic requirements for admission;
- (c) serve on the Law Society copies of the statutory declaration and of every such certificate.

18. Within one month after the execution of any supplementary articles, or any assignment of articles, the clerk shall:

- (a) forward to the Board the supplementary articles, or the assignment, together with a statutory declaration verifying the due execution thereof; and
- (b) serve on the Law Society a copy of the said statutory declaration and of any decision or determination of the Board given or made pursuant to Rule 25(2).

SERVICE UNDER ARTICLES

19. (1) No clerk shall be articulated to a practitioner who has not been in practice in the State of South Australia for a continuous period of five years and who is not in practice as a principal at the commencement of the articles, unless the practitioner is the Crown Solicitor for the State, an officer authorised by the Secretary to the Commonwealth Attorney-General's Department to act in the name of the Australian Government Solicitor in the State, the South Australian Director of Public Prosecutions or the Commonwealth Director of Public Prosecutions.

(2) Compliance with this Rule may be dispensed with by the Board upon it being satisfied that it is proper in all the circumstances to do so.

20. (1) No practitioner shall have more than three articulated clerks serving under articles at the same time, provided that, for the purposes of this Rule only, an articulated clerk shall be deemed not to be serving under articles from and after the time at which he or she has served a period of articles adequate to entitle him or her (if he or she is in all other respects so entitled) to move for admission.

(2) Notwithstanding the provisions of subrule (1), the Crown Solicitor for the State, an officer authorised by the Secretary to the Attorney-General's Department to act in the name of the Australian Government Solicitor, the South Australian Director of Public Prosecutions and the Commonwealth Director of Public Prosecutions may have any number of articulated clerks provided that each of them give written notification to the Board before 31 January in each year of the following:

- (a) the name of each articulated clerk in their employ at the time the notification is given; and
- (b) in each case, the approximate date upon which the service in articles will be completed.

(3) Clerks articulated to the Crown Solicitor for the State may, for the purposes of carrying out the employment required by Rule 22, be employed in such duties of a legal nature within the Government Departments of the State as the Crown Solicitor for the State may direct.

(4) For the purposes of this Rule 'Crown Solicitor for the State' shall mean, if that office is vacant, the person for the time being or from time to time performing the duties of the Crown Solicitor for the State.

21. No practitioner shall take, or retain any articulated clerk after he or she has ceased to practise as a practitioner, or whilst he or she is employed by another practitioner.

22. Subject to these Rules, every articulated clerk shall during the whole term of his or her articles be actually and continuously employed in the State in the proper business, practice and employment of a practitioner under the personal supervision of:

- (a) the practitioner practising in the State to whom he or she is articulated; or
- (b) a partner of the practitioner; or
- (c) a practitioner who for the time being is carrying on the business of the practitioner to whom the clerk is articulated.

23. (1) For the purposes of Rule 22(b) or (c), the partner or practitioner must have been in practice in the State for a continuous period of five years and at the time of such supervision must be in practice as a principal.

(2) The Deputy and Assistant Crown Solicitors for the State shall for the purposes of this Rule be deemed to be partners of the Crown Solicitor for the State and the Deputy Directors of Public Prosecutions shall for the purposes of this Rule be deemed to be partners of the Directors of Public Prosecutions.

24. Absence on duty as a member of the naval, military, or air forces of the Commonwealth of Australia shall not terminate a clerk's articles, but any period of such service which exceeds sixteen days in any one year shall not be deemed service under articles unless the Board otherwise determines.

25. (1) Where, before the expiration of the period for which a clerk is articulated, the practitioner to whom he or she is articulated ceases to practise as a practitioner or dies, or his or her articles are cancelled by mutual consent, the clerk may enter into supplementary articles to another practitioner for the remainder of the period of articles.

(2)(a) The Board may terminate existing articles on application to it either by the principal or by the clerk if the Board is satisfied that the clerk has ceased substantially to derive any benefit under the articles, or that the clerk is not receiving satisfactory general instruction, or that for any other sufficient reason it is advisable to terminate the articles.

(b) The Board may thereupon allow the clerk to enter into supplementary articles to another practitioner for the residue of the period of service required by these Rules or for such longer period as the Board may determine.

(3) Service under supplementary articles in accordance with the provisions of this Rule shall be good service.

(4) Except as provided by this Rule articles of clerkship may not be terminated without the approval of the Board.

26. In the case of a person entering into articles after the commencement of these Rules with a practitioner practising outside a radius of 50 km from the Adelaide GPO, up to one half of the period of articles prescribed by these Rules may be served with the Adelaide agent of such practitioner, and the employment of the clerk as a *bona fide* pupil of the Adelaide agent, or his or her partner (if any) for such period shall be deemed to be service under his or her articles of clerkship.

27. Service as an associate to a judge may be counted as service in articles to the extent permitted by the Board.

28. No articles of clerkship shall bind a clerk to service after he or she has been admitted as a practitioner.

POST ADMISSION TRAINING (TRANSITIONAL PROVISION)

29. (1) Notwithstanding any other provision of these Rules, this Rule applies to any practitioner to whom Rule 40 of the repealed Admission Rules applied prior to its repeal.

(2) If a practitioner has not commenced, or has embarked upon but has not completed by 1 February 1999, the practical legal training required by Rule 40 of the repealed Admission Rules, the practitioner shall complete such practical legal training (or the remainder thereof) in accordance with the provisions of this rule.

(3) A practising certificate issued after 1 January 1994 to a practitioner to whom this rule applies who has not previously held a practising certificate shall not be renewable and shall be cancelled by the Law Society on the certificate of the Board as hereinafter provided unless before its issue or within two years of its issue (or within such further period as the Board in its absolute discretion may specify), the practitioner has undertaken, completed and where applicable passed the courses of practical legal training (either option 1 or option 2) conducted by the Law society and approved by the Board under the repealed Admission Rules for the purposes of Rule 40 of the repealed Admission Rules (the PLT course).

(4) A practitioner:

(a) must, before obtaining the issue of a practising certificate, file an undertaking in writing that he or she will conscientiously and punctually undertake and complete the PLT course, unless such training has already been undertaken or completed;

(b) shall commence or continue the PLT course forthwith upon the first issue to him or to her of a practising certificate, or so soon thereafter as entry into such a course is permitted and a position is available, unless the practitioner has already completed such a course.

(5) A practitioner shall, so soon as he or she has completed the PLT course, forthwith notify the Law Society in writing confirming that he or she has done so and shall supply such further evidence that he or she has complied with the rules in that regard as the Law society may require.

(6) (a) On an application by a practitioner for a practising certificate or renewal of the same to the Law Society, the practitioner shall satisfy the Law Society, by the provision of such evidence as the Law Society may require, that he or she has complied with the provisions of this Rule and (where applicable) the provisions of Rule 40 of the repealed Admission Rules prior to 1 February 1999.

(b) If the Law Society forms the view, on an application pursuant to paragraph (a) or otherwise, that a practitioner has failed in a material respect to comply with the requirements of this Rule, or prior to 1 February 1999 with the requirements of Rule 40 of the repealed Admission Rules, it shall forward a report to the Board and provide a copy of same to the practitioner.

(c) Upon receipt of the report of the Law Society, the Board shall, if it is satisfied that the report discloses a *prima facie* case that the practitioner has, in a material respect, breached the provisions of this Rule, call upon the practitioner to show cause, by written submission within a specified period, why his or her application should not be refused or his or her practising certificate should not be cancelled or that further specified conditions in relation to entitlement to practise should not be imposed, as the case may be.

(d) Upon receipt of the written submission in accordance with paragraph (c) or upon the expiry of the time (or any extension thereof) for the provision of the written submission, the Board shall determine whether or not the practitioner's application shall be granted or refused or whether or not the practising certificate shall be cancelled or renewed or whether or not further conditions as referred to in (c) should not be imposed, as the case may be.

(e) The Board shall record its decision in writing and the reasons therefor and shall forward a copy of same to the Law Society and the practitioner within seven days of its determination.

(f) The Law Society shall comply with and implement the determination of the Board given pursuant to paragraph (d).

(7) A practitioner shall not practise as a sole practitioner before completing the requirements as to post-admission training imposed by this Rule.

(8)(a) The Law Society or any practitioner may apply to the Council or, in the event that the Council has exercised its power of delegation pursuant to section 17A(4) of the Act, to the Board, for a determination pursuant to section 17A(2) of the Act.

(b) Any such application shall be by statutory declaration executed by the practitioner, forwarded to LPEAC or to the Board, as the case may be.

(c) A copy of the statutory declaration shall be served on the Law Society, which may be heard on the application.

BOARD OF EXAMINERS

30. All questions coming before the Board shall be decided by a majority of those present, and the Chairperson (and in the Chairperson's absence, the Deputy Chairperson) shall have a casting vote as well as a deliberative vote, but when the Board makes any report to the Court or to the Council any member may make a dissenting or individual report.

31. The Board may require any applicant, and a practitioner to whom the applicant was articulated, or under whose supervision he or she has served, or with whom he or she has served as a bona fide pupil, to answer in writing, or to attend before it and answer orally, such questions relevant to his or her application for admission as the Board thinks fit.

32. The Council or the Board may exempt any person from the requirements of or from compliance or further compliance with, any of these rules either entirely or in part and in any event subject to such conditions the Council or the Board may think it appropriate to impose.

33. The Law Society shall be entitled to be represented by a solicitor or counsel before the Council or the Board on any inquiry, or on any application.

34. The Council or the Board may request the Law Society to appoint a practitioner to investigate any matter arising on any inquiry or application coming before it, or to assist the Council or the Board on any such inquiry or application.

35. The Board may refer any question arising out of any application made to the Board in pursuance of these rules or under the Act or arising out of any inquiry made by the Board in pursuance of these rules to the Court or to the Council and the Court or the Council may either dispose of the matter or refer it back to the Board with such directions as it may think fit.

36. (1) In addition to any other inquiry which by law it may be authorised to undertake, the Board shall inquire into every application for admission and any objection thereto and report to the Court in Form 3 in the Schedule to these rules whether the applicant:

- (a) is eligible for admission;
- (b) is a fit and proper person to be admitted;
- (c) has complied with the Act, these Rules and the Supreme Court Admission Rules 1999 insofar as the applicant has been required to do so; and
- (d) has complied with any other requirement as to which the Board has been requested to report by the Court.

(2) Subject to Rule 13(11) of the Supreme Court Admission Rules 1999, where the Board enquires into an application for readmission it shall, in addition to the matters referred to in subrule (1) hereof, report to the Court as to the fitness and capacity of the applicant to act as a practitioner in all business and matters usually transacted by or entrusted to practitioners.

(3) Where the circumstances so require the report of the Board shall be prefaced by or have attached thereto a statement of the Board's findings in relation to the facts of the case.

APPLICATION FOR INTIMATION AS TO ELIGIBILITY

37. (1) Any person proposing to enter upon a course of study undertaken in order to fulfil the academic or practical requirements for admission or any person who has already entered upon such a course may apply to the Board for a direction or intimation as to whether, if he or she were successful in completing such course, he or she would in the opinion of the Board be ineligible on grounds relating to his or her character and/or fitness to be admitted as a practitioner.

(2) (a) The Board may require any person applying under this Rule to attend before it and to furnish such evidence of his or her good character and fitness as it thinks fit.

(b) The Board may in its discretion give such direction or intimation as to the eligibility of the application as it thinks fit.

REGISTRATION UNDER THE MUTUAL RECOGNITION ACT 1992 (CTH)

38. (1) In this rule, unless the contrary intention appears, 'the Act' means the Mutual Recognition Act 1992 (Cth) as adopted by the Mutual Recognition (South Australia) Act 1993.

(2) This rule ceases to operate upon the expiry of or the expiry of any renewal of the Mutual Recognition (South Australia) Act 1993, whichever is the later.

(3) A notice pursuant to section 19 of the Act shall:

- (a) be in Form 4 in the schedule hereto;
- (b) be lodged with the Board;
- (c) have attached to it the original or a copy of the instrument evidencing the applicant's existing registration or such information as may otherwise be necessary to comply with section 19(3) of the Act;
- (d) contain a statutory declaration verifying the statements and other information in the notice;
- (e) contain an address for service, being an address to which any notice or other communication may be forwarded by the Board.

(4) Following the lodgment of the notice referred to in subrule (3), the Board shall, within one month thereafter, subject to the exercise by the Board of its power to postpone registration:

- (a) consider and determine whether any, and if so what, condition or conditions should be imposed pursuant to section 20 of the Act; and
- (b) notify the applicant in writing of its decision to grant, postpone or refuse registration, or to impose conditions on registration, or to waive, pursuant to section 27(4) of the Act, any conditions imposed under the law of the first State, or any undertaking given to the local registration authority of the first State.

(5) In the event that the Board postpones registration pursuant to section 21(3) of the Act, such postponement, or any aggregate period of postponement if there is more

than one, shall not exceed six months from the date of lodgment with the Board of the notice given under subrule (3) hereof.

(6) The Board may make a determination imposing conditions applicable to deemed registration arising pursuant to section 27 of the Act. Subject to the Act, such determination:

- (a) may be expressed in general terms applying to all deemed registrations, or deemed registrations of a particular class or kind, or may be expressed in terms applying to a particular applicant for registration; and
- (b) shall be effective according to its terms.

(7) Where registration is granted pursuant to this Rule, the Law Society shall, on payment by the registrant of such fees and levies as would be payable by a person admitted to practise in the State, and on production of evidence of participation in a professional indemnity insurance scheme under section 52 of the Legal Practitioners Act 1981, issue a practising certificate pursuant to the provisions of Division 2 of Part 3 of the Legal Practitioners Act 1981.

(8) A practising certificate issued pursuant to subrule (7) shall be endorsed so as to indicate what, if any, conditions have been imposed pursuant to section 20(5) of the Act, and shall take effect subject to any such conditions.

(9) Notwithstanding any other provision of these Rules, no decision or determination made pursuant to this Rule by the Board shall be the subject of appeal or review other than by way of review pursuant to section 34 of the Act.

TRANSITIONAL

39. (1) Any person who claims to have been disadvantaged in relation to his or her ability to comply with the academic and practical requirements for admission by the repeal of the repealed Admission Rules and the enactment of these Rules, may apply to the Board for an exemption from compliance with any requirement of these Rules or any part of these Rules. The Board may grant any such exemption on such terms or conditions whatsoever as the Board in its absolute discretion may think fit.

(2) A person who has obtained academic and practical qualifications in Australia prior to 1 February 1999 but has not before that date obtained admission to practise in Australia, may, before 1 February 2000 apply for admission in the State on the basis of the Supreme Court Admission Rules 1993, provided that notice of intention to apply for admission is filed in the Supreme Court Registry and served on the Law Society on or before 24 December 1999 and the statutory declarations in support of the application are filed and served on or before 31 January 2000.

(3) Where a person has, prior to 1 February 1999, not completed the requirements for admission under the Supreme Court Admission Rules 1993, but has applied to the Court for an exemption under those Rules, and the Court has not, before 1 February 1999, determined the application, the application for exemption may thereafter be completed and any subsequent application for admission consequent thereon may be heard and determined under the Supreme Court Admission Rules 1993.

APPENDIX A

SYNOPSIS OF AREAS OF KNOWLEDGE

Appendix A sets out detailed descriptions of the areas of knowledge referred to in rule 4(b) which have been prepared for the guidance and assistance of admitting authorities.

Although the topics below are grouped for convenience under the headings of particular areas of knowledge, there is no implication that a topic needs to be taught in a subject covering the area of knowledge in the heading rather than in another suitable subject.

CRIMINAL LAW AND PROCEDURE

1. The definition of crime.
2. Elements of crime.
3. Aims of the criminal law.
4. Homicide and defences.
5. Non-fatal offences against the person and defences.
6. Offences against property.
7. General doctrines.
8. Selected topics chosen from:
 - attempts
 - participation in crime
 - drunkenness
 - mistake
 - strict responsibility.
9. Elements of criminal procedure. Selected topics chosen from:
 - classification of offences
 - process to compel appearance
 - bail
 - preliminary examination
 - trial of indictable offences.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should provide knowledge of the general doctrines of the criminal law and in particular examination of both offences against the person and against property. Selective treatment should also be given to various defences and to elements of criminal procedure.

TORTS

1. Negligence, including defences.
2. A representative range of torts (other than negligence) and their defences.
3. Damages
4. Concurrent liability.
5. Compensation schemes.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The potential compass of this areas is so large that considerable variation might be anticipated. At the very least, there should be a study of negligence and of a representative range of torts, with some consideration of defences and damages, and of alternative methods of providing compensation for accidental injury. Examples of these topics are: concurrent liability, defamation, economic torts, nuisance, breach of statutory duty and compensation scheme.

CONTRACTS

1. Formation, including capacity, formalities, privity and consideration.
2. Content and construction of contract.
3. Vitiating factors.
4. Discharge.
5. Remedies.
6. Assignment.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

Some variation may be expected in the breadth and detail of the topics. In general, however, knowledge of the formal requirements for concluding contracts, capacity, the content and interpretation of contracts, their performance and discharge, available remedies, together with an understanding of the broad theoretical basis of contract would be expected.

PROPERTY

1. Meaning and purposes of the concept of property.
2. Possession, seisin and title.
3. Nature and type (ie fragmentation) of proprietary interests.
4. Creation and enforceability of proprietary interests.
5. Legal and equitable remedies.
6. Statutory schemes of registration.
7. Acquisition and disposal of proprietary interests.
8. Concurrent ownership.
9. Proprietary interests in land owned by another.
10. Mortgages.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should provide knowledge of the nature and type of various proprietary interests in chattels and land, and their creation and relative enforceability at law and in equity. Statutory schemes or registration for both general law land and Torrens land should be included. A variety of other topics might be included eg fixtures, concurrent interests and more detailed treatment of such matters as sale of land, leases, mortgages, easements, restrictive covenants, etc.

EQUITY

1. (a) The nature of equity
(b) Equitable rights, titles and interests
(c) Equitable assignments
(d) Estoppel in equity
(e) Fiduciary obligations
(f) Unconscionable transactions
(g) Equitable remedies.

2. Trusts, with particular reference to the various types of trusts and the manner and form of their creation and variation. The duties, rights and powers of trustees should be included, as should the consequences of breach of trust and the remedies available to, and respective rights of, beneficiaries. (It is expected that about half the course will be devoted to trusts.)

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should cover the elements of trust law, equitable doctrines apart from those relating to trusts, and equitable remedies. The following aspects of trusts law should be dealt with: various kinds of trusts; the rights, duties, powers of trustees; the consequences of breach of trust. Apart from trusts, the following equitable doctrines might be covered, for example, fiduciary obligations, equitable assignments, unconscionability and confidential information. The remedies of specific performance, injunction, declaration and damages in equity should be included. (It is expected that about half the course will be devoted to trusts.)

COMPANY LAW

1. Corporate personality.
2. The incorporation process.
3. The corporate constitution.
4. Company contracts.
5. Administration of companies and management of the business of companies.
6. Duties and liabilities of directors and officers.
7. Share capital and membership.
8. Members' remedies.
9. Company credit and security arrangements.
10. Winding up of companies.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should include an analysis of incorporation and its effects, management and control of a company, the various methods of financing—by the issue of shares and by debt, and the processes of winding up a company.

ADMINISTRATIVE LAW

1. Organisation and structure of the administration.
2. Administrative law theory.
3. Common law and statutory avenues of judicial review at Commonwealth and State level.
4. Grounds of judicial review.
5. Remedies.
6. Crown immunity.
7. Administrative Appeals Tribunal.
8. Statutory review.
9. Freedom of information.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should not only embrace traditional common law remedies concerning judicial review of administrative action, but should also cover the range of Commonwealth and State statutory regimes.

FEDERAL AND STATE CONSTITUTIONAL LAW

1. State constitutions and constitutional systems.
2. The Commonwealth Constitution and constitutional system.
3. The constitution and operation of the legislature, executive and judiciary.
4. The relationship between the different institutions of government and the separation of powers.
5. The relationship between the different levels of government.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should include knowledge of the manor principles of both the relevant State or Territory Constitution and the Commonwealth Constitution, including the relations between the different Commonwealth and State or Territory laws. A general knowledge of the scope of both State or Territory and Commonwealth Constitutions is required, although the topics will differ in the depth of treatment of specific heads of power, particularly in the Commonwealth sphere.

CIVIL PROCEDURE

1. Court adjudication under an adversary system.
2. The cost of litigation and the use of costs to control litigation.
3. Service of originating process—as foundation of jurisdiction, including service out of the relevant State or Territory and choice of forum.
4. Joinder of claims and parties, including group proceedings and the defence of prior adjudication as instances of the public interest in avoiding a multiplicity of proceedings and inconsistent verdicts.
5. Defining the questions for trial—pleadings, notices to admit and other devices.
6. Obtaining evidence—discovery of documents, interrogatories, subpoena and other devices.
7. Disposition without trial, including the compromise of litigation.
8. Extra judicial determination of issues arising in the course of litigation.
9. Judgement.
10. Appeal.
11. Enforcement.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should embrace the general study of rules of civil procedure relevant in the State or Territory. Rules concerning jurisdiction, the initiation and service of process, the definition of issues through pleadings and judgment and enforcement should all be included.

EVIDENCE

1. Introduction.
2. Competence and compellability.
3. Privilege.
4. The examination of witnesses.
5. Disposition and character.
6. Similar fact evidence.
7. The accused as a witness.
8. Burden and standard of proof.
9. Documentary evidence.
10. Opinion evidence and prior determination.
11. Hearsay:
 - the exclusionary rule
 - the common law and statutory exceptions.
12. Admissions and confessions in criminal cases.
13. Illegally obtained evidence and confirmation by subsequent fact.
14. *Res gestae*.
15. Corroboration.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should include examination of both the sources and acceptability of evidence, including rules concerning the burden and standard of proof and technical rules concerning such matters as hearsay, admissions and confessions, illegally obtained evidence and *res gestae*.

PROFESSIONAL CONDUCT (including basic Trust Accounting)

Professional and personal conduct in respect of practitioner's duty:

- (a) to the law;
- (b) to the Courts;
- (c) to clients, including a basic knowledge of the principles of trust accounting; and
- (d) to fellow practitioners.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should include knowledge of the various pertinent rules concerning a practitioner's duty to the law, the Courts, clients and fellow practitioners, and a basic knowledge of the principles of trust accounting.

The aims of the trust account segment of Professional Conduct are:

- (a) To impart an understanding of the legal requirements on solicitors for dealing with trust property.
- (b) To help students obtain a level of competence in, and understanding of, the recording requirements for trust accounts and other trust dealings.

Areas covered should included:

- (a) Provisions of the relevant State or Territory legislation governing the legal profession which relate to the handling of trust money and other trust property.
- (b) Legislative provisions which enable the proper identification of trust moneys.
- (c) The ramifications of breach of trust.
- (d) Methods of maintaining trust accounts records. This includes class exercises in recording of receipts, payments and direct payments of trust moneys and of investments (including mortgage investments) by solicitors on behalf of their clients.
- (e) A detailed study of any relevant legislation, regulations or rules relating to trust accounting.

APPENDIX B

SYNOPSIS OF AREAS OF PRACTICE

Although the topics below are grouped for convenience under the headings of particular areas of practice, there is no implication that a topic needs to be taught in a subject covering the area of practice mentioned in the heading rather than in another suitable subject.

LEGAL PROFESSION

ETHICS AND PROFESSIONAL RESPONSIBILITY

1. The rules of professional conduct, including retainers and liens, trust accounts, and professional misconduct.
2. The main requirements of the Act and rules governing the conduct of the legal profession in the relevant jurisdiction.
3. Duties to the court, client, profession and society.
4. Conflicts of interest.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to describe and apply legislative and other sources of rules and procedures associated with professional conduct, identify situations of conflict and other circumstances which attract ethical responsibilities, identify professionally appropriate behaviours and responses, and reflect maturely on their role and work as lawyers.

TRUST AND OFFICE ACCOUNTING

1. The general principles of relevant bookkeeping.
2. The relevant rules governing the keeping of trust accounts.
3. Memoranda of costs, and obligations to clients.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should have a general understanding of bookkeeping principles and practices, be able to maintain trust accounts in accordance with all statutory and other requirements, and be able to describe and apply all statutory and other requirements in regard to office accounting.

PROFESSION SKILLS

WORK MANAGEMENT

1. Personal time management, including diaries, and other office systems.
2. Client relations.
3. Costs.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to manage their own work practices in an efficient way which best serves the needs of their clients.

LEGAL WRITING AND DRAFTING

1. Letter writing.
2. General principles of drafting.
3. Plain English drafting.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to undertake a range of drafting activities in various practice settings.

INTERVIEWING

1. Preparation for interview.
2. Conduct of an interview, including obtaining instructions.
3. Documenting the interview.
4. Advising the client.
5. Dealing with various types of clients.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to interview a range of clients in various practice settings.

NEGOTIATION AND DISPUTE RESOLUTION

1. Preparation for negotiation.
2. Negotiation skills and strategies.
3. Post-negotiation activities.
4. Alternative dispute resolution.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to negotiate and in other ways resolve disputes using a range of skills and strategies in various practice settings.

LEGAL ANALYSIS AND RESEARCH

1. Analysis of facts.
2. Analysis of law.
3. Research skills.
4. Application of the law to practical fact situations.
5. Identification of solutions and strategies.

OR

Topics of such breadth and depth as to satisfy the following guidelines:

Students or articled clerks should be able to analyse the factual and legal aspects of practical situations, research and identify the relevant law, and apply the law to the situation in order to identify solutions and strategies.

ADVOCACY

1. Language and presentation.
2. Opening address.
3. Examination in chief.
4. Cross-examination.
5. Re-examination.
6. Objections.
7. Closing address.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to perform a range of advocacy skills in various courts and practice settings.

*PRACTICE AND PROCEDURE**LITIGATION*

1. Criminal procedure.
2. Civil procedure, such as debt collection, personal injuries.

3. Trial preparation.
4. Remedies.
5. Specific areas of litigation, such as family law, industrial law.
6. Costing.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to conduct all the steps necessary to bring a matter to trial as lawyer for either the plaintiff or the defendant, and to implement the decision of the tribunal.

PROPERTY PRACTICE

1. Conveyancing, such as contracts of sale, strata title, and non-Torrens title.
2. Mortgages.
3. Leases, such as residential leases, commercial leases.
4. Specific areas such as environmental law practice, town planning and local government practice.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to conduct all the steps necessary to convey, mortgage and lease real property, and have some knowledge of practice and procedure in regard to some other areas affecting real property.

WILLS AND ESTATE MANAGEMENT

1. Will drafting.
2. Estate planning, including trusts.
3. Applications for probate.
4. Estate management.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to conduct all the steps necessary to draw a will, advise and plan the management of assets, apply for a grant of probate and/or letters of administration, and manage a deceased estate.

COMMERCIAL AND CORPORATE PRACTICE

1. Commercial agreements, such as the sale and purchase of a small business and other transactions.
2. Company practice, such as the incorporation of a company, its management and its compliance with statutory requirements.
3. Revenue practice, such as stamp duties, income tax and capital gains tax.
4. Finance and securities, such as loans, charges, debentures and guarantees, and the execution, registration and enforcement of securities.

OR

Topics of such breadth and depth as to satisfy the following guideline:

Students or articled clerks should be able to conduct all the steps necessary to implement the activities of a range of commercial and corporate clients in various practice settings.

SCHEDULE TO THE LPEAC RULES 1999

FORM 1

NOTICE OF INTENTION TO APPLY FOR REGISTRATION UNDER THE TRANS-TASMAN RECOGNITION ACT 1997 (Cth)

TO: The Board of Examiners

I, [full names, address and occupation] hereby give notice that I seek registration as a [barrister/solicitor/barrister and solicitor/or (as the case may be)..... (indicate which)] in the State of South Australia, pursuant to the Trans-Tasman Mutual Recognition Act 1997 (Cth) ('the Act').

(Signed):

(Date):

State clearly Mr, Ms, Mrs, Miss or other

PLEASE SUPPLY YOUR

* BUSINESS TELEPHONE NUMBER.....

* FACSIMILE NUMBER.....

* E-mail address.....

* Address for the purposes of this application

.....
.....
.....

As required by the Act, I supply the following information:

1. I am duly admitted and am at the present time entitled to practise as a [state style of legal practice]in the Supreme Court of New Zealand. The date of such admission was [date].

2. Registration inis sought for the occupation of [state style of legal practice]of the Supreme Court of South Australia in accordance with the Trans-Tasman mutual recognition principle as defined in the Act.

3. The names and dates of admission of every other jurisdiction where I have been admitted are as follows:

<u>Jurisdiction</u>	<u>Date of Admission</u>	<u>Entitled to Practise as</u> [state style of legal practice]
.....
.....
.....
.....
.....

(If not admitted elsewhere, state 'NONE')

4. I am not the subject of disciplinary proceedings in any jurisdiction (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to any such entitlement to practise.

5. My registration (or entitlement to practise) in any jurisdiction is not cancelled or currently suspended as a result of disciplinary action.

6. I am not otherwise personally prohibited from exercising any such entitlement to practise in any jurisdiction, and am not subject to any special conditions in exercising any such entitlement to practise, save as is specified in 7 hereof.

7. In exercising my entitlement to practise in any jurisdiction I am subject to the following special conditions:

[State special conditions, if any, and state in each case whether they result from criminal, civil or disciplinary proceedings in any jurisdiction or otherwise. If there are no such special conditions, state: 'No special conditions']

8. I consent to the making of inquiries of, and the exchange of information with, the authorities of any jurisdiction whether within or outside of Australia regarding my activities as a legal practitioner howsoever styled or otherwise regarding any matter relevant to this notice.

9. I annex [original/complete and accurate copy of the original] of my first [certificate/court order] admitting me to practise and an [original/complete and accurate copy of the original] of my current practising certificate.

Statutory Declaration

I, [full names, address and occupation] being the abovenamed applicant, do solemnly, sincerely and truly declare that all of the information set out in this application is to the best of my knowledge and belief true and correct in every particular, and that the accompanying documents are verily what they purport to be.

[The Declaration should be made, executed, witnessed etc strictly in accordance with the requirements of the law relating to Statutory Declarations then in force in the jurisdiction in which the Declaration is made.]

SCHEDULE TO THE LPEAC RULES 1999

FORM 2

NOTICE OF INTENTION TO ENTER INTO ARTICLES

To the Board of Examiners

TAKE NOTICE that I,
of.....
(place of residence)

intend to enter into articles of clerkship with
.....
(name and address of practitioner)

after the expiration of 21 days from the date of giving this notice.

Dated the day of

.....
(Signature of intending articulated Clerk)

PARTICULARS TO BE GIVEN BY INTENDING ARTICLED CLERK

1. I was born on the day of in the State of

I have resided in South Australia all my life, etc. [or as the case may be, giving details].

2. I have complied with the academic requirements for admission as defined in Rule 4 of the LPEAC Rules 1999.

3. I have applied for but have been unable to obtain entry to the course of study leading to the grant of the Graduate Diploma in Legal Practice for the year as appears from the certificate of the Course Co-ordinator [or otherwise appropriate authority] annexed hereto. [Or refer to such other course as may be applicable.]

4. Since leaving school I have not been employed in any trade or business [if employed, give particulars, stating when and by whom].

5. I have not been convicted or found guilty by a Court of any offences, nor, as far as I am aware, are there any charges or proceedings outstanding against me in relation to any offence or offences alleged to have been committed by me (add , if necessary, 'save and except that (or those) disclosed in the statement annexed hereto in the sealed envelope marked with the letter "A"').

NOTE: Full details must be given in relation to each offence or alleged offence of the date and nature of the charge, the Court in which it was or will be heard, the sentence (if any) imposed, and the circumstances in which the offence was or is alleged to have been committed.

6. My address for service of notices is:

.....
.....
.....
.....

.....
(Signature of intending articulated Clerk)

SCHEDULE TO THE LPEAC RULES 1999

FORM 3

REPORT OF THE BOARD OF EXAMINERS

IN THE MATTER of A.B., an applicant for admission

[Application in the Supreme Court, being No. of]

To their Honours the Judges of the Supreme Court of South Australia

The Board of Examiners reports that it is satisfied that [name of applicant]:

- 1. Has satisfied all of the requirements of the Legal Practitioners Act 1981, the Supreme Court Admission Rules 1999 and the LPEAC Rules 1999 applicable to [his or her] application for admission except insofar as [he or she] has been exempted from compliance therewith.
- 2. Is eligible for admission as a practitioner of this Court.
- 3. Is a fit and proper person to be so admitted as a practitioner of this Court.

Dated the day of .

.....
Chairperson
Board of Examiners

Filing note:

SCHEDULE TO THE LPEAC RULES 1999

FORM 4

NOTICE OF INTENTION TO APPLY FOR REGISTRATION UNDER THE MUTUAL RECOGNITION ACT 1992 (Cth)

I, [full names, address and occupation] hereby give notice that I seek admission to practise as a barrister and solicitor of the Supreme Court of South Australia, pursuant to the Mutual Recognition Act 1992 (Cth).

(Signed)

Date:

State clearly Mr, Ms, Mrs, Miss or other

PLEASE SUPPLY YOUR

* Business telephone number

* Facsimile number.....

* Address for the purposes

.....

.....

As required by the Act, I supply the following information:

1. Particulars of my entitlement to practise in the State or Territory in which I am normally resident are that I am duly admitted and am at the present time entitled to practise as a [barrister, solicitor, barrister and solicitor or legal practitioner howsoever styled] in the Supreme Court of [State or Territory]. The date of such admission was [date].

2. The names and dates of admission of every other jurisdiction where I have been admitted are as follows:

<u>Jurisdiction</u>	<u>Date of Admission</u>
.....
.....
.....

(If not admitted elsewhere, state 'NONE')

3. I am not the subject of disciplinary proceedings in any State (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to those occupations.

4. My registration in any State is not cancelled or currently suspended as a result of disciplinary action.

5. I am not otherwise personally prohibited from carrying on any such occupation in any State, and am not subject to any special conditions in carrying on that occupation, as a result of criminal, civil or disciplinary proceedings in any State.

6. In carrying out my occupation in any State I am subject to the following special conditions:

[State special conditions, if any. Otherwise state: 'No special conditions'.]

7. I consent to the making of inquiries of, and the exchange of information with, the authorities of any State regarding my activities as a legal practitioner howsoever styled or otherwise regarding matters relevant to the notice.

8. I annex [original/certified true copy] of my first [certificate/court order] admitting me to practise and an [original/certified true copy] of my current practising certificate.

Statutory Declaration

I, [full names, address and occupation] being the abovenamed applicant, do solemnly, sincerely and truly declare that all the information set out in this application is to the best of my knowledge and belief true and correct in every particular, and that the accompanying documents are verily what they purport to be.

[The Declaration should be made, executed, witnessed, etc, strictly in accordance with the requirements of the law relating to Statutory Declarations then in force in the jurisdiction in which the Declaration is made.]

Dated at Adelaide, 29 April 1999.

J. DOYLE, Chief Justice

VOCATIONAL EDUCATION, EMPLOYMENT AND TRAINING ACT 1994

PART 4 - CONTRACTS OF TRAINING

Pursuant to the provisions of the Vocational Education, Employment and Training Act (VEET Act) the Accreditation and Registration Council (ARC) gives notice that it has determined the following:

Occupations that Constitute Trades and Other Declared Vocations

The following schedule, approved by the Minister for Education, Children's Services & Training, is additional to:

1. the gazettal of 24th April 1996 (page 2045),
3. the gazettal of 5th December 1996 (page 1818),
5. the gazettal of 17th April 1997 (page 1571)
7. the gazettal of 12th June 1997 (page 2984)
9. the gazettal of 7th August 1997 (page 311)
11. the gazettal of 22nd December 1997 (page 1776)
13. the gazettal of 18th June 1998 (page 2594)
15. the gazettal of 24th September (page 990)
17. the gazettal of 15th October 1998 (page 1150)
19. the gazettal of 19th November 1998 (page 1583)
21. the gazettal of 10th December 1998 (1870)
23. the gazette of 11th March 1999 (page 1359)
25. the gazette of 1st April 1999 (page 1605) (Errata)
27. the gazettal of 29th April 1999 (page 2381) Errata)
2. the gazettal of 31st October 1996 (page 1544),
4. the gazettal of 6th February 1997 (page 830),
6. the gazettal of 29th May 1997 (page 2758)
8. the gazettal of 3rd July 1997 (page 33)
10. the gazettal of 18th December 1997 (page 1677)
12. the gazettal of 23rd April 1998 (page 1959)
14. the gazettal of 6th August 1998 (page 339)
16. the gazettal of 1st October 1998 (page 1038)
18. the gazettal of 12th November 1998 (page 1389)
20. the gazettal of 3rd December 1998 (1742)
22. the gazettal of 23rd December 1998 (page 2039)
24. the gazette of 25th March 1999 (page 1480)
26. the gazette of 22nd April 1999 (page 2219)
28. the gazettal of 6th May 1999 (page 2482)

which set out the occupations that constitute trades and other declared vocations and the terms and conditions applicable to such declared vocations.

SCHEDULE - DECLARED VOCATIONS, REQUIRED COURSES OF INSTRUCTION AND ASSOCIATED CONDITIONS

Entries recorded in italics denote previous courses and conditions determined by ARC for existing declared vocations. Variations appear in bold

Occupation/Occupation Levels Declared Vocation * trade # Other than trade	Course code numbers (National) (State) and expiry date	Approved Course of Instruction and Stream	Nominal Term of Contract of Training	Nominal hours of attendance at an approved course of instruction	Probationary Period
Variations to Existing Declared Vocations					
# <i>Storeworker (now known as)</i>	<i>1926</i>				
<i>Storeworker Level II</i>	<i>VI2211AAA</i>	<i>Certificate II in Transport and Storage (Warehousing)</i>	<i>12 months</i>	<i>400 hours</i>	<i>1 month</i>
<i>ARC October 1997</i>	<i>X180</i>	<i>Additional Contract of Training</i>			
	<i>December 1999</i>				
<i>Storeworker Level III</i>	<i>4377</i>	<i>Certificate III in Transport and Storage (Warehousing)</i>	<i>18 months</i>	<i>560 hours</i>	<i>1 month</i>
<i>ARC October 1997</i>	<i>VI2311ADA</i>	<i>Additional Contract of Training</i>			
	<i>December 2000</i>				
<i>Storeworker Level IV</i>	<i>4364</i>	<i>Certificate IV in Transport and Storage (Warehousing)</i>	<i>18 months</i>	<i>630 hours</i>	<i>1 month</i>
<i>ARC October 1997</i>	<i>VI2411AAA</i>	<i>Additional Contract of Training</i>			
	<i>December 2000</i>				

Occupation/Occupation Levels Declared Vocation * trade # Other than trade	Course code numbers (National) (State) and expiry date	Approved Course of Instruction and Stream	Nominal Term of Contract of Training	Nominal hours of attendance at an approved course of instruction	Probationary Period
<p><i>Storeworker (continued)</i></p>	<p>TDT20197 September 2000</p>	<p>Transport and Distribution Training Package Qualifications Certificate II in Transport and Distribution (Warehousing)</p>	<p>12 months</p>	<p>380 hours</p>	<p>1 month</p>
	<p>TDT10197 September 2000</p>	<p>Certificate I in Transport and Distribution (Warehousing) - 110 nominal hours is an exit point.</p>	<p>12 months ***</p>	<p>275 hours ***</p>	<p>1 month</p>
	<p>TDT30197 September 2000</p>	<p>Certificate III in Transport and Distribution (Warehousing) Transport and Distribution Training Package Qualification</p>	<p>12 months ***</p>	<p>180 hours ***</p>	<p>1 month</p>
	<p>TDT40197 September 2000</p>	<p>Certificate IV in Transport and Distribution (Warehousing)</p>	<p>12 months ***</p>	<p>180 hours ***</p>	<p>1 month</p>
<p>*** The nominal hours and term of the contract of training for these qualifications assume completion of the preceding qualification level.</p> <ul style="list-style-type: none"> • From 1st July 1999 contracts of training will be registered only for qualifications from the Training Package. • Trainees employed under existing related contracts of training may complete their current training. • No special entry requirements, other than those dictated by licensing authorities beyond Certificate I level qualification. Licenses are required in the following areas: <ul style="list-style-type: none"> Dangerous Goods - handling Forklift Operators Crane Operators. 					

Occupation/Occupation Levels Declared Vocation * trade # Other than trade	Course code numbers (National) (State) and expiry date	Approved Course of Instruction and Stream	Nominal Term of Contract of Training	Nominal hours of attendance at an approved course of instruction	Probationary Period
# <i>Road Transport Operator</i>	8024 VI2211AHA December 2001	<i>Certificate II in Transport and Storage (Road Transport) (Level 2)</i>	12 months	320 hours	1 month
	8025 VI2311AGA December 2001	<i>Additional Contract of Training Certificate III in Transport and Storage (Road Transport) (level 3)</i>	12 months	380 hours	1 month
	8026 VI2411ACA December 2001	<i>Additional Contract of Training Certificate IV in Transport and Storage (Road Transport) (Level 4)</i>	12 months	400 hours	1 month
	TDT20297 September 2000	Transport and Distribution Training Package Qualifications Certificate II in Transport and Distribution (Road Transport) Trainees undertaking the Certificate II in Transport and Distribution (Road Transport) may complete one additional unit of competence relevant to the needs of the enterprise or trainee within the nominal hours allocated.	12 months	400 hours	1 month
	TDT10297 September 2000	Certificate I in Transport and Distribution (Road Transport) - 120 nominal hours is an exit point			

Occupation/Occupation Levels Declared Vocation * trade # Other than trade	Course code numbers (National) (State) and expiry date	Approved Course of Instruction and Stream	Nominal Term of Contract of Training	Nominal hours of attendance at an approved course of instruction	Probationary Period
<i>Road Transport Operator</i> (continued)	TDT30297 September 2000 TDT40297 September 2000	Certificate III in Transport and Distribution (Road Transport) Certificate IV in Transport and Distribution (Road Transport)	12 months *** 12 months ***	280 hours *** 290hours ***	1 month 1 month
		<p>*** The nominal hours and term of the contract of training for these qualifications assume completion of the preceding qualification level.</p> <ul style="list-style-type: none"> From 1st July 1999 contracts of training will be registered only for qualifications from the Training Package. <p>Transport and Distribution Training Package Qualifications</p> <ul style="list-style-type: none"> Trainees employed under existing related contracts of training may complete their current training. No special entry requirements, other than those dictated by licensing authorities beyond Certificate I level qualification. Licenses are required in the following areas: Dangerous Goods - handling Forklift Operators Crane Operators. 			
# <i>Stevedoring Employee</i>	1302 TAI197 April 2001	Linked with 'Freight Handling' - Certificate in Transportation and Physical Distribution Level II The above course is replaced by Certificate I in National Stevedoring	24 months -	450 hours	2 months

Occupation/Occupation Levels Declared Vocation * trade # Other than trade	Course code numbers (National) (State) and expiry date	Approved Course of Instruction and Stream	Nominal Term of Contract of Training	Nominal hours of attendance at an approved course of Instruction	Probationary Period	
Stevedoring Employee <i>(continued)</i>	3789 QLCNS2A August 2000	Certificate II in National Stevedoring Transport and Distribution Training Package Qualifications Certificate II in Transport and Distribution (Stevedoring)	24 months	560 hours	2 months	
	TDT20397 September 2000	Certificate II in Transport and Distribution (Stevedoring) Trainees undertaking the Certificate II in Transport and Distribution (Stevedoring) may complete one additional unit of competence relevant to the needs of the enterprise or trainee within the nominal hours allocated.	12 months	380 hours	1 month	
	TDT10397 September 2000	Certificate I in Transport and Distribution (Stevedoring) - 110 nominal hours is an exit point				
	TDT30397 September 2000	Transport and Distribution Training Package Qualifications Certificate III in Transport and Distribution (Stevedoring)	12 months ***	260 hours ***	1 month	
	TDT40397 September 2000	Certificate IV in Transport and Distribution (Stevedoring)	12 months ***	270hours ***	1 month	
						*** The nominal hours and term of the contract of training for these qualifications assume completion of the preceding qualification level. • From 1 st July 1999 contracts of training will be registered only for qualifications from the Training Package.

Occupation/Occupation Levels Declared Vocation * trade # Other than trade	Course code numbers (National) (State) and expiry date	Approved Course of Instruction and Stream	Nominal Term of Contract of Training	Nominal hours of attendance at an approved course of Instruction	Probationary Period
<p><i>Stevedoring Employee</i> <i>(continued)</i></p>					

- Trainees employed under existing related contracts of training may complete their current training.
- No special entry requirements, other than those dictated by licensing authorities beyond Certificate I level qualification. Licenses are required in the following areas:
 Dangerous Goods - handling
 Forklift Operators
 Crane Operators.

REGULATIONS UNDER THE ROAD TRAFFIC ACT 1961

No. 35 of 1999

At the Executive Council Office at Adelaide 13 May 1999

PURSUANT to the *Road Traffic Act 1961* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW Minister for Transport and Urban Planning

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of reg. 3—Interpretation
4. Variation of reg. 5—Notice for purposes of s. 79B(5)
5. Variation of reg. 6—Notice for purposes of s. 79B(6)
6. Substitution of reg. 8
 8. Operation and testing of photographic detection device for speeding offences
7. Variation of schedule

Citation

1. The *Road Traffic (Photographic Detection Devices) Regulations 1988* (see *Gazette* 30 June 1988 p. 2068), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations will come into operation on 1 June 1999.

Variation of reg. 3—Interpretation

3. Regulation 3 of the principal regulations is varied—

(a) by striking out the definition of "**expiation notice**" and substituting the following definitions:

"**expiation notice**" means an expiation notice under the *Expiation of Offences Act 1996*;

"**expiation reminder notice**" means an expiation reminder notice under the *Expiation of Offences Act 1996*;;

(b) by striking out from the definition of "**red light offence**" "*Road Traffic Regulations, 1962*:" and substituting "*Road Traffic Regulations 1996*";;

(c) by striking out from the definition of "**speeding offence**" "*49(1)(d)*,".

Variation of reg. 5—Notice for purposes of s. 79B(5)

4. Regulation 5 of the principal regulations is varied by striking out "a traffic infringement notice or" and substituting "an expiation notice, an expiation reminder notice or a".

Variation of reg. 6—Notice for purposes of s. 79B(6)

5. Regulation 6 of the principal regulations is varied by striking out "a traffic infringement notice or" and substituting "an expiation notice, an expiation reminder notice or a".

Substitution of reg. 8

6. Regulation 8 of the principal regulations is revoked and the following regulation is substituted:

Operation and testing of photographic detection device for speeding offences

8. Where a photographic detection device is used to provide evidence of a speeding offence, the following provisions must be complied with:

- (a) the device must be programmed, positioned and set to operate so that—
 - (i) when the device registers a vehicle as proceeding at a speed equal to or greater than a speed set on the device, an exposure is taken of that vehicle from the front or from the rear; and
 - (ii) the date, time and the code for the location at which the exposure is taken is recorded on the exposure, together with the speed of the vehicle as registered by the device;
- (b) after the device—
 - (i) is set up at a given location; or
 - (ii) has a new film magazine inserted into the device at that location; or
 - (iii) is relocated,
a check must be made to ensure that the device—
 - (iv) correctly indicates on an electronic display the date, time and location code; and
 - (v) is set to operate in accordance with the provisions of paragraph (a);
- (c) the checks referred to in paragraph (b) must be repeated immediately before—
 - (i) the device is removed from a given location; or
 - (ii) a film magazine is removed from the device;
- (d) if a check in accordance with paragraph (b) or (c), or a film or part of a film when developed, indicates a fault that has affected the proper operation of the device, any part of the film affected by the fault must be rejected for evidentiary purposes;

- (e) if a photograph produced from an exposure obtained in accordance with the provisions of paragraph (a) depicts the whole or part of more than one vehicle in the portion of the photograph specified by the device's manufacturer as the portion that should depict only the vehicle whose speed is being registered, that photograph must be rejected for evidentiary purposes;
- (f) the accuracy with which the device registers vehicle speeds must be tested on the day on which it is used (or on the day immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.

Variation of schedule

7. The schedule of the principal regulations is varied—

- (a) by inserting in clause 1 of Notice 1 ", expiation reminder notice" after "expiation notice";
- (b) by striking out clause 2 of Notice 1 and substituting the following clause:

2. Withdrawal of Allegation

If you believe that you have a defence to the allegation, you may bring it to the attention of the Commissioner of Police for consideration. The evidence in support of your defence must be provided by statutory declaration and forwarded to the EXPIATION NOTICE BRANCH, G.P.O. BOX 2029, ADELAIDE 5001 *before the due date for payment specified in the enclosed expiation notice or expiation reminder notice or, if the enclosed document is a summons, within 21 days after the date of issue of the summons.* On considering the evidence the Commissioner may withdraw the notice or summons.;

- (c) by striking out from clause 3 of Notice 1 "INFRINGEMENT NOTICE SECTION" , twice occurring, and substituting, in each case, "EXPIATION NOTICE BRANCH";
- (d) by striking out from clause 3 of Notice 1 "TELEPHONE 207 5950" and substituting "TELEPHONE NO: 8207 5950";
- (e) by inserting in Notice 2 ", expiation reminder notice" after "expiation notice";
- (f) by striking out from Notice 2 "INFRINGEMENT NOTICE SECTION", twice occurring, and substituting, in each case, "EXPIATION NOTICE BRANCH";
- (g) by striking out from Notice 2 "TELEPHONE 207 5950" and substituting "TELEPHONE NO: 8207 5950".

FAXING COPY?

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

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

Please use the following fax number:

Fax transmission: (08) 8207 1040
Phone Inquiries: (08) 8207 1045

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

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

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The address is:

govgaz@riv.ssa.sa.gov.au

Documents should be sent as attachments in Word format.

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

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

CITY OF ADELAIDE

Temporary Road Closure

NOTICE is hereby given that the council of the Corporation of the City of Adelaide at its meeting held on 10 May 1999, passed, *inter alia*, the following resolutions:

Pursuant to section 359 of the Local Government Act 1934, as amended, the roads described in the following schedule, between the hours specified in the schedule, be closed to all vehicles except for emergency vehicles or those given express permission to enter by the Chief Executive Officer.

SCHEDULE

Location	From	To
Melbourne Street between Jerningham Street and East Pallant Street	6 a.m. on Sunday, 23 May 1999	6 p.m. on Sunday, 23 May 1999

JUDE MUNRO, Chief Executive Officer

CITY OF HOLDFAST BAY

Renaming of Public Street—Davenport Terrace

NOTICE is hereby given that at a meeting of council held on Tuesday, 23 March 1999, at which eleven of the twelve members constituting the council were present, resolved that the public street which runs north/south between Seacombe Road and Arthur Street, Seacliff Park formally known as Davenport Street be renamed Davenport Terrace.

D. R. AYLEN, Chief Executive Officer

Council proposes pursuant to the provisions of section 459 (a) of the Local Government Act 1934, as amended, to dispose of this Drainage Reserve to the Land Management Corporation subject to approval by the Minister for Local Government. Any interested person may make representation to council on the matter up to and including Friday, 11 June 1999. Any representations should be addressed to City of Salisbury, Property Services Officer, 12 James Street, Salisbury, S.A. 5108.

S. HAINS, City Manager

CITY OF PLAYFORD

ROADS (OPENING AND CLOSING) ACT 1991

Walkway Between Halsey Road and Ballard Street, Elizabeth East

NOTICE is hereby given that the Corporation of the City of Playford, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, proposes to make a Road Process Order to close that portion of public road (walkway) between Halsey Road and Ballard Street, Elizabeth East, adjoining the western boundaries of allotment 2 in Deposited Plan 30251 and allotment 91 in Deposited Plan 10199, more particularly delineated as 'A' and 'B' in Preliminary Plan No. PP32/0445.

Portion marked 'A' is to be transferred to Phillip Dean Goedecke and Kathryn Lee Goedecke, 453 Morphett Street, Adelaide, S.A. 5000.

Portion marked 'B' is to be transferred to Frank Fusillo, 34 Ballard Street, Elizabeth East, S.A. 5112.

Subject to any easements that may be required.

The plan and a statement of affected owners may be inspected at the Council's Administration Office, 3 Windsor Square, Elizabeth, S.A. 5112 and the office of the Surveyor-General, during normal office hours. Any application for easement or objection must be lodged with the City of Playford, Warooka Drive, Smithfield, S.A. 5114 and the Adelaide office of the Surveyor-General, 101 Grenfell Street, Adelaide, S.A. 5000, in writing, giving full details and made within 28 days of this notice.

The City of Playford will give notification of a meeting to deal with any submissions if required.

Dated 13 May 1999.

T. R. S. JACKSON, Chief Executive Officer

CITY OF SALISBURY

Proposal to Dispose of Reserve

NOTICE is hereby given that at a meeting held on 27 April 1999, the council of the City of Salisbury formed the opinion that the existing Drainage Reserve known as allotment 130 in Deposited Plan 17917 in certificate of title volume 4313, folio 620, situated at Mawson Lakes, is no longer required as reserve.

CITY OF WEST TORRENS

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1934

Amendment No. 1 to By-law No. 2—Moveable Signs

TO amend a subparagraph in the council's by-law on moveable signs relating to the positioning of moveable signs on public streets and roads.

By-law No. 2—Moveable signs is hereby amended by inserting in subparagraph 3 (6) the words 'Within 1 m of a building line or fence line adjacent thereto'.

In accordance with section 671 (5) (b) the foregoing by-law will take effect from the date of gazettal.

The foregoing by-law was duly made and passed at a meeting of the council, of the City of West Torrens held on Tuesday, 20 April 1999, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

T. M. STARR, City Manager

CITY OF WEST TORRENS

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1934

Amendment No. 1 to By-law No. 3—Council Land

TO amend subparagraphs in the council's by-law on moveable signs relating to definitions and activities requiring permission in respect to vehicles generally, activities requiring permission in respect to dogs on leashes and activities requiring permission in respect to the use of toilets.

By-law No. 3—Council Land is hereby amended:

- By re-numbering subparagraph 1. (2) to read '1. (4)'.
- By amending subparagraph 1. (3) to read '1. (5)'.
- By inserting as subparagraph 1. (2) the words:

'Disability' means a disability as defined in the Disability Discrimination Act 1992, with the exception of a disability that previously existed but no longer exists, may exist in the future or is imputed to a person'.

- By inserting as subparagraph 1. (3) the words:
‘Guide dog’ means a guide dog as defined in the Dog and Cat Management Act 1995.’
- By amending subparagraph 2. (19) to read:
‘to which this subparagraph applies (except guide dogs guiding a person who is wholly or partially blind; or wholly or partially deaf), cause, suffer or permit any dog under that person’s control, charge or authority to be or remain in that place unless such dog is restrained by a strong leash not exceeding 2 m in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or danger to other persons’.
- By deleting from subparagraph 2 (25) (b) the word ‘disabled’.
- By amending subparagraph 2 (25) (b) to read:
‘A person, using discretion, may enter a public convenience for the purpose of providing assistance to a person with a disability.’

In accordance with section 671 (5) (b) the foregoing by-law will take effect from the date of gazettal.

The foregoing by-law was duly made and passed at a meeting of the council of the City of West Torrens held on Tuesday, 20 April 1999, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

T. M. STARR, City Manager

CITY OF WEST TORRENS

Results of Supplementary Elections

NOTICE is hereby given that the following candidates were elected to fill the vacancies for Councillors at the Supplementary Elections for Keswick and Morphett Wards held on Tuesday, 4 May 1999.

Keswick Ward

First preferences received by each candidate were as follows:

	Votes
Fantasia, Amerigo (Curley)	253
Crossing, David John.....	462
Russell-Price, Andrew.....	397
Informal	5

Following distribution of preferences, the final count was as follows:

	Votes
Crossing, David John.....	532
Russell-Price, Andrew.....	463
Exhausted.....	117

Resulting in the election of David John Crossing.

Morphett Ward

First preferences received by each candidate were as follows:

Frances, Barbara June	375
Boyce, Harry William	435
Costanzo, Emilio	398
Matthews, Joan Margaret	163
Informal	7

Following distribution of preferences, the final count was as follows:

	Votes
Boyce, Harry William	621
Costanzo, Emilio	494
Exhausted.....	256

Resulting in the election of Harry William Boyce.

S. H. TULLY, Returning Officer

TOWN OF GAWLER

Periodical Review of Elector Representation

NOTICE is hereby given, pursuant to the provisions of section 24 (3) of the Local Government Act 1934, as amended, that the Corporation of the Town of Gawler is to carry out a review to determine whether a change of arrangements in respect to elector representation, including ward boundaries and the composition of council, will result in the electors of the council area being more adequately and fairly represented.

Information regarding the nature of the periodical review is available at the council office, or by contacting John Huider on telephone 8521 1223.

Interested persons are invited to make a written submission to the Town Manager, P.O. Box 130, Gawler, S.A. 5118, by close of business on Friday, 25 June 1999.

Any person who makes a written submission will be afforded an opportunity to appear before council, or a committee thereof, to be heard in respect to his/her submission.

J. MCEACHEN, Town Manager

ALEXANDRINA COUNCIL

Notice of Council Meeting

NOTICE is hereby given that the council meeting scheduled for 24 May 1999, will now be held on Tuesday, 18 May 1999, in the Strathalbyn Council Chambers, Colman Terrace, Strathalbyn commencing at 5.30 p.m.

J. L. COOMBE, Chief Executive Officer

DISTRICT COUNCIL OF COOBER PEDY

Appointment

NOTICE is hereby given that council at its meeting held on 28 April 1999, appointed Aleksandra Margaret Mladenovic as its Returning Officer.

I. M. GORDON, Chief Executive Officer

DISTRICT COUNCIL OF COOBER PEDY

Nominations for Councillor

NOTICE is hereby given that as a result of the resignation of Councillor S. Absalom, a casual vacancy exists on the District Council of Coober Pedy for the office of Councillor.

Nominations for the position, on the appropriate form will be received by the undersigned from 19 May 1999 until noon on 9 June 1999. Nomination forms are available from the office of the council during normal office hours.

A. MLADENOVIC, Returning Officer

DISTRICT COUNCIL OF COOBER PEDY

Aerodrome Fees

NOTICE is hereby given that pursuant to the powers contained in section 6 of the Aerodrome Fees Act 1998, the District Council of Coober Pedy at its meeting held on Monday, 20 July 1998, resolved that the following fees be fixed for the arrivals and departures at the Coober Pedy Airport:

Landing Charges—Regular Passenger Transport/Other Users:

- All Planes
Arrival fees \$6 per 1 000 kg
\$6 minimum charge

Passenger Charges—Regular Passenger Transport:

- Arrival fees: \$6.50 per adult passenger
\$2.25 per child
- Departure fees: \$6.50 per adult passenger
\$2.25 per child

Dated 6 May 1999.

I. GORDON, Chief Executive Officer

MID MURRAY COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure South of Swan Reach, Hundred of Fisher

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Mid Murray Council intends to make a Road Process Order to close two portions of road marked 'A' and 'B' as delineated on Preliminary Plan No. PP32/0446.

The closed road marked 'A' is to be vested in the Crown and merged with section 157, Hundred of Fisher. The closed road marked 'B' is to be vested in the Crown and merged with section 158, Hundred of Fisher.

A copy of the preliminary plan and statement of persons affected are available for public inspection at the Council Office, 49 Adelaide Road, Mannum, S.A. 5238 and the Adelaide Office of the Surveyor-General during normal officer hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the council at P.O. Box 28, Mannum, S.A. 5238, within 28 days of this notice and a copy must be forwarded to the Surveyor-General at G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the council will give notification of a meeting at which the matter will be considered.

G. R. BRUS, Chief Executive Officer

MID MURRAY COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closing West of Younghusband, Hundred of Younghusband

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Mid Murray Council intends to make a Road Process Order to close portions of public road (East Front Road) marked 'A', 'B', 'C', 'D' and 'E' as delineated on Preliminary Plan No. PP32/0447.

The closed road marked 'A', 'B', 'C', 'D' and 'E' are to be vested in the crown and merged with allotments 11, 12, 13, 14 and 15 in Filed Plan 39791 (respectively).

Open as road portions of section 706 adjacent to sections 721 and 64 marked '1' and '2' on Preliminary Plan No. PP32/0447.

A copy of the preliminary plan and statement of persons affected are available for public inspection at the Council Office, 49 Adelaide Road, Mannum, S.A. 5238 and the Adelaide office of the Surveyor-General during normal officer hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the council at P.O. Box 28, Mannum, S.A. 5238, within 28 days of this notice and a copy must be forwarded to the Surveyor-General at G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the council will give notification of a meeting at which the matter will be considered.

G. R. BRUS, Chief Executive Officer

DISTRICT COUNCIL OF NARACOORTE AND LUCINDALE

Temporary Road Closure

NOTICE is hereby given that pursuant to section 359 of the Local Government Act 1934, as amended, that approval has been granted for the temporary road closure of portion of Repeater Station Road between part block 97 and part block 54, Hundred of Naracoorte on the western side of Wild Dog Valley Road on Sunday, 23 May 1999 between the hours of 11 a.m. and 3.30 p.m. inclusive for the purpose of the Naracoorte Hunt Pony Club's One Day Event.

D. L. BEATON, Chief Executive Officer

DISTRICT COUNCIL OF YANKALILLA

Change of Meeting Time

NOTICE is hereby given that the council meeting to be held on 18 May 1999, will commence at 7 p.m. in lieu of 7.30 p.m.

M. DAVIS, Chief Executive Officer

DISTRICT COUNCIL OF YORKE PENINSULA

Temporary Road Closure

NOTICE is hereby given that pursuant to section 359 of the Local Government Act 1934, as amended, council has granted approval for the temporary closing of the following streets at Port Victoria:

Main Street from Wilson Terrace to Jetty, from 9 a.m. to 4 p.m.

Wilson Terrace to Main Street, Victoria Terrace between Main Street and Kuhn Terrace and Kuhn Terrace during the Grand Parade from 9.30 a.m. to 10.30 a.m. on Saturday, 29 May 1999.

Main Street west of Passat Street to the Jetty, from 7 a.m. to 11 a.m. on Sunday, 30 May 1999, for the purpose of holding the Windjammer 50 Celebrations.

R. A. WOOD, Chief Executive Officer

IN the matter of the estates of the undermentioned deceased persons:

Chapman, Kelva Mary, late of 3 Merion Court, West Lakes, home duties, who died on 9 April 1999.

Hill, Olive May, late of 280 Sturt Road, Marion, widow, who died on 6 February 1999.

Hunter, Maurice Herbert, late of 3 Fourth Avenue, St Peters, retired accounts clerk, who died on 28 April 1999.

Jennings, Sylvia Olive, late of 11 Millard Street, Mount Gambier, home duties, who died on 13 April 1999.

Kalmar, Lajos, late of 160-164 Military Road, Semaphore, of no occupation, who died on 5 October 1998.

Katavich, Doris Marjorie, late of 25 Ivey Street, Ottoway, home duties, who died on 20 March 1999.

Machin, Daphne Alexandra, late of 47 Eve Road, Bellevue Heights, of no occupation, who died on 7 February 1999.

Matthews, William Ashton, late of 83 Braund Road, Prospect, retired motor mechanic, who died on 3 April 1999.

Mitchell, Norman Ronald, late of 96 Bowker Street, Warradale, retired hotel manager, who died on 10 April 1999.

Mountstephen, Marlene Ann, late of 101 Maxwell Road, Ingle Farm, nurse, who died on 14 March 1999.

Robinson, Augustine Henriette Marie, late of 5 Maturin Road, Glenelg, of no occupation, who died on 18 March 1999.

Smyth, Catherine Josephine, late of 3 Wheelton Street, Kingscote, Kangaroo Island, retired general clerk, who died on 18 March 1999.

Stodden, John Humphrey, late of 70 Livingstone Avenue, Prospect, retired union organiser, who died on 30 March 1999.

Wheeler, Gilbert Rex, late of 30 Sussex Terrace, Westbourne Park, retired storeman, who died on 17 March 1999.

Willson, Francis Joseph, late of 52 Queen Street, Solomontown, retired telfer driver, who died on 14 March 1999.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Public Trustee, 25 Franklin Street, Adelaide, S.A. 5000, full particulars and proof of such claims, on or before 11 June 1999, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons who are indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver the same to the Public Trustee.

Dated 13 May 1999.

J. H. WORRALL, Public Trustee

IN the matter of the estates of the undermentioned deceased persons:

Burdon, Alan Arthur, late of 99 David Terrace, Woodville Park, retired metal worker, who died on 20 April 1999.

Godson, Iris Juanita Gertrude Mary, late of Westminster Village Nursing Home, Fort Street, Grange, widow, who died on 20 April 1999.

Hennessy, Gladys Evelin, late of 1A Edward Street, Plympton, home duties, who died on 17 January 1999.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972-1975, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are directed to send full particulars of such claims to the undersigned, on or before 3 June 1999, otherwise they will be excluded from the distribution of the said estate.

Dated 6 May 1999.

IOOF AUSTRALIA TRUSTEES LIMITED (ACN 007 870 644) AND BAGOT'S EXECUTOR AND TRUSTEE COMPANY LIMITED (ACN 007 869 829), 212 Pirie Street, Adelaide, S.A. 5000

A.C.N. 080 266 020 PTY LTD

ON 7 May 1999 the Supreme Court of South Australia in Action No. 511 of 1999 appointed John Maxwell Morgan, official liquidator of BDO Nelson Parkhill, 248 Flinders Street, Adelaide, S.A. 5000 to be the provisional liquidator of that company. This advertisement is inserted by VON DOUSSAS, 389 King William Street, Adelaide, S.A. 5000, solicitors for the plaintiff.

M. HUGHES NATIONWIDE TRANSPORT PTY LTD

(ACN 008 133 766)

WORKERS REHABILITATION AND COMPENSATION CORPORATION has brought a summons in Action No. 512 of 1999, in the Supreme Court of South Australia seeking the winding up of M. Hughes Nationwide Transport Pty Ltd. The summons is listed for hearing on Tuesday, 8 June 1999 at not before 2.15 p.m. Any creditor or contributory of M. Hughes Nationwide Transport Pty Ltd wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend at the Supreme Courthouse, Victoria Square, Adelaide, at the time set for the hearing of the summons. A copy of the summons and the affidavit in support can be obtained on payment of the proper costs from Barratt Lindquist, 162 Halifax Street, Adelaide, S.A. 5000.

RPM SECURITY VISIONS PTY LTD

(ACN 078 478 332)

KENTREX PTY LTD (ACN 051 762 273) has brought a summons in Action No. 493 of 1999, in the Supreme Court of South Australia seeking the winding up of RPM Security Visions Pty Ltd. The summons is listed for hearing on 8 June 1999 not before 2.15 p.m. Any creditor or contributory of RPM Security Visions Pty Ltd wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend the Supreme Courthouse, Victoria Square, Adelaide at the time set for the hearing of the summons. A copy of the summons and the affidavit in support can be obtained from Robinson Gerard & Co., 120 Hutt Street, Adelaide, S.A. 5000, solicitors for the plaintiff.

ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform Riverside 2000 of any subsequent corrections by **10 a.m. on Thursday**, which is our publication deadline.

For any corrections to your notice please phone 8207 1045 or Fax 8207 1040 **before** 10 a.m. on Thursday.

If we do not receive any communication by 10 a.m. on Thursday (day of publication) we will presume the notice is correct and will print it as it is.

Remember—the onus is on you to inform us of any corrections necessary to your notice.

NOTE: Closing time for lodging new copy (either fax or hard copy) is 4 p.m. on Tuesday preceding the day of publication. Ph. 8207 1045—Fax 8207 1040.