



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, 14 SEPTEMBER 2000

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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. E-mail: Riv2000@saugov.sa.gov.au. Send as attachments in Word format and please confirm your transmission with a faxed copy of your document, including the date the notice is to be published and to whom the notice will be charged.

CONSTITUTION ACT 1934 SECTION 13(4): ASSEMBLY TO
FILL A VACANCY IN THE LEGISLATIVE COUNCIL
CAUSED BY THE RESIGNATION OF THE HONOUR-
ABLE GEORGE WEATHERILL

Proclamation By The Governor

(L.S.) E. J. NEAL

Preamble

A seat of a member of the Legislative Council has become vacant by resignation of the Honourable George Weatherill, M.L.C.

Proclamation

PURSUANT to section 13(4) of the *Constitution Act 1934* and with the advice and consent of the Executive Council, I—

- (a) appoint 10.30 a.m. on Wednesday, 4 October 2000, at the Legislative Council Chamber as the time and place for the holding of an assembly of the members of both Houses of Parliament to choose a person to occupy the vacant seat;
- (b) appoint the Honourable James Campbell Irwin, M.L.C., to preside over the assembly;
- (c) appoint Janice Maxine Davis to be clerk of the assembly;
- (d) give the following directions as to the procedure to be followed at the assembly and the method by which the decision of the assembly will be evidenced:
 - (i) the presiding officer will take the chair;
 - (ii) the clerk of the assembly will read this proclamation;
 - (iii) the presiding officer will invite nominations for the vacant seat from the members of the assembly;
 - (iv) nominations will first be made without debate;
 - (v) a nomination will not be accepted by the presiding officer unless—
 - (A) the nomination is seconded; and
 - (B) the person nominated is a person who can lawfully be chosen by the assembly to occupy the vacancy;
 - (vi) when it appears that no further nominations are to be made, the members making the nominations, the members seconding the nominations and any other members of the assembly may speak if they desire;
 - (vii) when members have concluded their remarks, a ballot will be taken if necessary;
 - (viii) the presiding officer will announce to the assembly the name of the person chosen to occupy the vacant seat;
 - (ix) the President of the Legislative Council must be informed in writing of the decision of the assembly and notice of the decision must be published in the *Gazette*.

Given under my hand and the Public Seal of South Australia, at Adelaide, 14 September 2000.

By command,

DIANA LAIDLAW, for Premier

DPC 039/95 CS

CROWN LANDS ACT 1929 SECTION 5AA(1)(c): HUNDRED
OF EBA—DEDICATED LAND RESUMED AND GRANT
CANCELLED

Proclamation By The Governor

(L.S.) E. J. NEAL

Preamble

1. The following land is dedicated as a Reserve for Harbors Board purposes (see *Gazette* 17 August 1939 p. 422):

Sections 429 and 430, Hundred of Eba, being the whole of the land contained in Land Grant Register Book Volume 1745 Folio 185.

2. The registered proprietor of the land has requested the resumption of the land.

Proclamation

PURSUANT to section 5AA (1) (c) of the *Crown Lands Act 1929* and with the advice and consent of the Executive Council, I resume the land defined in the preamble and cancel the grant of that land.

Given under my hand and the Public Seal of South Australia, at Adelaide, 14 September 2000.

By command,

DIANA LAIDLAW, for Premier

EH 00/0034 CS

CROWN LANDS ACT 1929 SECTION 5AA(1)(c), (d):
HUNDRED OF NOARLUNGA—DEDICATED LAND
RESUMED, LAND FREED FROM TRUST AND GRANTS
CANCELLED

Proclamation By The Governor

Preamble

1. The following land is dedicated as a place for the recreation and amusement of the inhabitants of the Corporation of the Town of Glenelg (see *Gazette* 16 September 1875 p. 1725, first occurring):

Section 1623, Hundred of Noarlunga, County of Adelaide, being the whole of the land contained in Certificate of Title Register Book Volume 5645 Folio 339.

The registered proprietor of the land has requested the resumption of the land.

2. The following land is held in trust as a site for an institute:

Section 1599, Hundred of Noarlunga, County of Adelaide, being the whole of the land contained in Certificate of Title Register Book Volume 5751 Folio 949.

The registered proprietor of the land has requested the revocation of the trust.

Proclamation

PURSUANT to section 5AA(1)(c) and (d) of the *Crown Lands Act 1929* and with the advice and consent of the Executive Council, I—

(a) resume the land defined in clause 1 of the preamble and cancel the grant of that land; and

(b) free the land defined in clause 2 of the preamble from the trust described in clause 2 and cancel the grant of that land.

Given under my hand and the Public Seal of South Australia, at Adelaide 14 September 2000.

By command,

DIANA LAIDLAW, for Premier

EH 00/0031 CS

Department of the Premier and Cabinet
Adelaide, 14 September 2000

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Vocational Education, Employment and Training Board (VEET), pursuant to the provisions of the Vocational Education, Employment and Training Act 1994:

Member: (from 14 September 2000 until 13 September 2001)

Barry Joseph Grear
Leonie Jane Clyne
Ian Curry
Dianne Kay Ewens
Sally McDonald-Taylor
Paul Rosser
Peter Alexander Smith
Kevin B. Bromley
Kate Thiele

Member: (from 14 September 2000 until 31 December 2000)
Ian William Chubb

Chairperson: (from 14 September 2000 until 13 September 2001)

Barry Joseph Grear

Deputy Chairperson: (from 14 September 2000 until 13 September 2001)

Peter Alexander Smith

By command,

DIANA LAIDLAW, for Premier

MET 0007/00 CS

Department of the Premier and Cabinet
Adelaide, 14 September 2000

HIS Excellency the Governor in Executive Council has been pleased to appoint as Acting Minister for Water Resources, Acting Minister for Employment and Training and Acting Minister for Youth, the Honourable Malcolm Robert Buckby, MP, Minister for Education and Children's Services, for the period 15 to 16 September 2000 inclusive; the Honourable Kenneth Trevor Griffin, MLC, Attorney-General, Minister for Justice and Minister for Consumer Affairs, for the period 17 to 21 September 2000 inclusive; the Honourable Iain Frederick Evans, MP, Minister for Environment and Heritage and Minister for Recreation, Sport and Racing, for the period 22 to 30 September 2000 inclusive, during the absence of the Honourable Mark Kennion Brindal, MP.

By command,

DIANA LAIDLAW, for Premier

MWR 0034/00 CS

Department of the Premier and Cabinet
Adelaide, 14 September 2000

HIS Excellency the Governor in Executive Council has been pleased to appoint Geoffrey Frederick Buckland to hold the position of Senator until the expiration of 14 days from the beginning of the Fourth Session of the Forty-Ninth Parliament of South Australia or the expiration of the term, whichever first happens, pursuant to section 15 of the Australian Constitution.

By command,

DIANA LAIDLAW, for Premier

DPC 033/97 CS

AERODROME FEES ACT 1998

Aerodrome Fee

NOTICE is hereby given that, pursuant to the Aerodrome Fees Act 1998, Filair Pty Ltd (ABN 008 117 100) hereby advises that Arrival Fees at the Goolwa Airport are fixed and are effective from 1 September 2000:

Landing Fees: \$8.80 per 1 000 kg
Minimum Fee: \$6.60

Note: All fees are GST inclusive.

I. PHILLIPPS, Director

ASSOCIATIONS INCORPORATION ACT 1985

Deregistration of Associations

NOTICE is hereby given that the Corporate Affairs Commission approves the applications for deregistration received from the associations named below pursuant to section 43A of the Associations Incorporation Act 1985. Deregistration takes effect on the date of publication of this notice:

The Athelstone Friendship Club Incorporated
The Inter-Church Trade and Industry Mission (S.A.) Incorporated
Just Fours Car Club of S.A. Incorporated
Kelly's Farm Occasional Child Care Centre Incorporated
Rotary Club of Adelaide Daybreak Incorporated

Given at Adelaide, 6 September 2000.

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

ELECTORAL ACT 1985

Part 6—Registration of Political Parties

NOTICE is hereby given pursuant to section 42 of the Electoral Act 1985, that I have this day registered the following political party:

Name of Party: Save The River Murray Party

Dated 14 September 2000.

S. H. TULLY, Electoral Commissioner

SEO 141/00

ENVIRONMENT PROTECTION AUTHORITY

Exemption

THE Environment Protection Authority has issued to the South Australian Cricket Association an exemption from the Environmental Protection (Industrial Noise) Policy 1994, with respect to the Redfest Concert at Adelaide Oval, North Adelaide on 15 September 2000.

Excessive noise as a result of the concert is permitted for sound checks only from 4.30 p.m. and all entertainment including encores shall cease by 11 p.m.

At all other times, noise emissions from the concert site must comply with the Environment Protection Act 1993 and the Environment Protection (Industrial Noise) Policy 1994.

G. SCLARE, Manager Environment Licensing

ETSA UTILITIES

Connection and Supply Contract

NOTICE is hereby given that the Standard Connection and Supply Contract governing the supply of electricity by ETSA Utilities (ABN 13 332 30 749) a partnership of:

- CKI Utilities Development Limited (ABN 65 090 718 880);
- HEI Utilities Development Limited (ABN 82 090 718 951);
- CKI Utilities Holdings Limited (ABN 54 091 142 380);
- HEI Utilities Holdings Limited (ABN 50 091 142 362);
- CKI/HEI Utilities Distribution Limited (ABN 19 091 143 038),

each incorporated in Malaysia, has been amended as set out below. These amendments are published in accordance with section 36 (2) of the South Australian Electricity Act 1996.

These amendments to the Standard Connection and Supply Contract will come into force on 14 September 2000, and when in force will be contractually binding on ETSA Utilities and the class of customers to whom these terms and conditions are expressed to apply:

Amend clause 13.1 (b) by replacing the words 'breach clause 16' with 'breach clause 16.2'.

Amend clause 16.1 (e) by deleting the word 'and' from the end of the subparagraph.

Amend clause 16.1 (f) by replacing the words 'obtaining our consent before changing your electricity requirements where that change may affect our network or your connection.' with 'ensuring a Notice of Alteration form is forwarded to us by you or your electrician when you change your electricity supply requirements by installing additional electrical appliances or equipment of capacity 2.5 kW or greater; and'.

Amend clause 16.1 by inserting a new subparagraph (g) which reads 'seeking our approval prior to installing any additional appliances or equipment of capacity 5 kW or greater, so that we can assess the ability of our network and your connection to the network to meet your additional requirements and advise you if any additional work is required and the associated costs (if any).'

Amend clause 16.2 (1) by replacing the words 'change your electricity supply requirements without our consent where there may be a potential effect on our network or your connection' with 'install appliances or equipment of capacity 5 kW or greater without receiving our approval, to allow us to determine if additional works are required and the associated costs (if any).'

ETSA Utilities

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Rolf Czabayski, 5 Willowbridge Grove, Burnside, S.A. 5066 (hereinafter referred to as the 'permit holder') is exempt from Regulation 35C of the Fisheries (General) Regulations 1984, in that the permit holder shall not be guilty of an offence when using berley within the waters specified in Schedule 1 to attract white sharks (*Carcharodon carcharias*) for the purpose of cage viewing only (hereinafter referred to as the 'permitted activity'), subject to the conditions specified in Schedule 2, for the dates specified in Schedule 3.

SCHEDULE 1

Coastal waters contained within the Neptune Islands Conservation Park, and the following portions of the Sir Joseph Banks Islands Conservation Park; Dangerous Reef, English and Sibsey Islands.

Note: A maximum of 15 days per calendar month is permitted at Dangerous Reef which requires consultation with other approved operators through the Great White Shark Cage Viewing Association. During Australian Sea Lion breeding periods, permits will not be provided for eight months. This period will begin eight weeks after the appearance of the first pups. Dates of this period will be provided to operators when determined by Department for Environment and Heritage (DEH).

SCHEDULE 2

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

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

3. The permit holder must notify the public by a Notice to Mariners through the Australian Maritime Safety Authority, by public notice in the Adelaide *Advertiser* at least 24 hours in advance of berleying operations, advising the local coastguard and the Fisheries Compliance Unit on 1800 065 522 at least two hours prior to conducting the permitted activities.

4. The permit holder shall allow an officer of the DEH or nominee to be present on board the boat during the permitted activities if requested and subject to negotiation and availability of space.

5. The permit holder must comply with all instructions (including ceasing to berley if so instructed) given by an officer from DEH.

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

7. Whilst engaged in the permitted activity the permit holder must have in his/her possession a copy of this notice and produce a copy of the notice if required by a Fisheries Compliance Officer.

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

9. The permit holder must maintain a log whilst engaged in the permitted activity which includes the date and location, number of passengers, number of hours berleying, number of sharks observed and any other relevant observations or comments. Records must be kept in a form determined by the operators association in conjunction with CSIRO Marine Research Unit and endorsed by the Minister for Environment and Heritage. A copy of the log must be provided to the relevant DEH Office within 14 days of each calendar month. Failure to submit a log within the agreed time period may preclude the provision of future permits until such outstanding logs are received by the relevant DEH Office.

10. The permit holder must conform to a code of conduct developed by the operators association and endorsed by the Minister for Environment and Heritage.

11. The permit holder will operate in co-operation with and in agreement of any other approved operator at the same location.

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

SCHEDULE 3

Dates permitted to berley: 9 to 12 September 2000.

Dated 6 September 2000.

R. ALLEN, Manager Parks and Wildlife West

FISHERIES ACT 1982

MARINE FINFISH FARMING LICENCE FF00001
(PREVIOUS LICENCE NO. F1569)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

Douglas R. Peel (13005)
Garry L. Peel (14650)
Jason A. Peel (13094)
Nola M. Peel (19778)
Bagdad Road
Mount Benson, S.A. 5276,

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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. 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.
- 5.5 must conduct an environmental monitoring program as set out in Schedule 5 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 by the General Manager Aquaculture, delegate of the Minister, on 7 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said D. R. PEEL, G. L. PEEL,
J. A. PEEL and N. M. PEEL

In the presence of: M. R. PEEL

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectares |
|------------------|-------------------|
| AGD 66—Zone 54 | |
| 383918E 5912936N | 20 |
| 383685E 5913261N | |
| 384091E 5913552N | |
| 384324E 5913227N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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 'F number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'F 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 48 G (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Atlantic Salmon (*Salmo salar*)

Trout Rainbow (*Oncorhynchus mykiss*)

Yellowtail King Fish (*Seriola lalandi*)

Permitted Farming Methods

Sea Cages 12

Stocking Rates

The maximum stocking density of all fish on the site must not exceed 10 kg/m³. 12 sea cages each with a maximum diameter of 20 m. There must be a distance of no less than 3 m between the bottom of each sea cage and the highest point of the seagrass. Where there is no seagrass, there must be a distance of no less than 3 m between the bottom of each sea cage and the seabed.

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

| | \$ |
|---------------------------------------|---------------|
| Base Licence Fee | 876.00 |
| Total Annual Licence Fee | 876.00 |
| Quarterly Instalments | 219.00 |

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 Decision Notification Form issued for the site under Regulation 42 of the Development Regulations 1993.

An Environmental Monitoring Program for the site must comply with Schedule 10 of the Environment Protection (Marine) Policy 1994.

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 FM00019
(PREVIOUS LICENCE NO. F510)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

G. J. Olds (12140)
63 Esplanade Avenue
Coffin Bay, S.A. 5607

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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. 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 by the General Manager Aquaculture, delegate of the Minister, on 8 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said G. J. OLDS

In the presence of: M. LORKIN, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectares |
|------------------|-------------------|
| AGD 66—Zone 53 | |
| 537500E 6171825N | 4 |
| 537550E 6171700N | |
| 537600E 6171575N | |
| 537550E 6171500N | |
| 537325E 6171650N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
 - (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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

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

Annual licence fees are:

| | \$ |
|--|---------------|
| FRDC Levy per hectare 4 at \$9.50 each..... | 38.00 |
| EMP Fee per hectare 4 at \$17.70 each..... | 70.80 |
| Base Licence Fee per hectare 4 at \$66 each..... | 264.00 |
| SASQAP (Classified Area) per hectare 4 at \$80 each..... | 320.00 |
| Total Annual Licence Fee..... | 692.80 |
| Quarterly Instalments..... | 173.20 |

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 MOLLUSC FARMING LICENCE FM00047
(PREVIOUS LICENCE NO. F582)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

John R. Chapman (1138)
Janette W. Chapman (14711)
10 Kurrajong Road
Goulds 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 July 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. 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 by the General Manager Aquaculture, delegate of the Minister, on 8 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said J. R. CHAPMAN and J. W. CHAPMAN

In the presence of: C. JONES, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectares |
|------------------|-------------------|
| AGD 66—Zone 53 | |
| 537250E 6179300N | 4 |
| 537425E 6179125N | |
| 537275E 6179000N | |
| 537100E 6179175N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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

Racks
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

Annual licence fees are:

| | \$ |
|--|---------------|
| FRDC Levy per hectare 4 at \$9.50 each..... | 38.00 |
| EMP Fee per hectare 4 at \$17.70 each..... | 70.80 |
| Base Licence Fee per hectare 4 at \$66 each..... | 264.00 |
| SASQAP (Classified Area) per hectare 4 at \$80 each..... | 320.00 |
| Total Annual Licence Fee..... | 692.80 |
| Quarterly Instalments..... | 173.20 |

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 MOLLUSC FARMING LICENCE FM00053
(PREVIOUS LICENCE NO. F590)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

R. P. and L. C. Grove Jones (Marine Farm
Development Ser.)
78 Happy Valley 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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. 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 by the General Manager Aquaculture, delegate of the Minister, on 7 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said R. P. GROVE JONES
and L. C. GROVE JONES

In the presence of: P. BARFOOT, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| | |
|------------------|-------------------|
| Licensed Area | Licensed Hectares |
| AGD 66—Zone 53 | |
| 544210E 6169711N | 5 |
| 544171E 6169823N | |
| 544570E 6169965N | |
| 544611E 6169855N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
 - (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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

*Racks
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

Annual licence fees are:

| | |
|--|---------------|
| | \$ |
| FRDC Levy per hectare 5 at \$9.50 each..... | 47.50 |
| EMP Fee per hectare 5 at \$17.70 each..... | 88.50 |
| Base Licence Fee per hectare 5 at \$66 each..... | 330.00 |
| SASQAP (Classified Area) per hectare 5 at \$80 each..... | 400.00 |
| Total Annual Licence Fee..... | 866.00 |
| Quarterly Instalments..... | 216.50 |

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 MOLLUSC FARMING LICENCE FM00064
(PREVIOUS LICENCE NO. F725)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

J. & K. E. Lewis Nominees Pty Ltd (12188)
46 Redding Road
Streaky 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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *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 by the General Manager Aquaculture, delegate of the Minister, on 7 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

The Common Seal of J. & K. E. Lewis Nominees Pty Ltd (ACN 007 989 279) was hereunto affixed in the presence of:

(L.S.) J. LEWIS, Director
K. GEORGIU, Witness

SCHEDULE 1*Item 1—The Site*

Area applicable to this licence:

| Licensed Area | Licensed Hectares |
|------------------|-------------------|
| AGD 66—Zone 53 | |
| 425249E 6378166N | 5 |
| 424780E 6378224N | |
| 424754E 6378162N | |
| 425172E 6378042N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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~~ 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**BST Longlines*

Each structure must comply with the construction requirements specified in the Decision Notification Form issued for the site under Regulation 42 of the Development Regulation Act 1993.

*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

Annual licence fees are:

| | \$ |
|--|---------------|
| FRDC Levy per hectare 5 at \$9.50 each..... | 47.50 |
| EMP Fee per hectare 5 at \$17.70 each..... | 88.50 |
| Base Licence Fee per hectare 5 at \$66 each..... | 330.00 |
| SASQAP (Classified Area) per hectare 5 at \$80 each..... | 400.00 |
| Total Annual Licence Fee | 866.00 |
| Quarterly Instalments..... | 216.50 |

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 MOLLUSC FARMING LICENCE FM00092
(PREVIOUS LICENCE NO. F763)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

Graeme C. Connell (12209)
Raelene R. Connell (19812)
33 Esplanade
Kingscote, S.A. 5223

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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *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 by the General Manager Aquaculture, delegate of the Minister, on 8 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said G. C. CONNELL

In the presence of: A. J. NAGORCKA, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectares |
|------------------|-------------------|
| AGD 66—Zone 53 | |
| 741189E 6041612N | 5 |
| 741208E 6041735N | |
| 740814E 6041807N | |
| 740796E 6041683N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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~~ 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~~ Permitted Farming Methods

Longlines

Each structure must comply with the construction requirements specified in the Decision Notification form issued for the site under Regulation 42 of the Development Regulation Act 1993.

Item 3 ~~3~~ 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

Annual licence fees are:

| | \$ |
|--|---------------|
| FRDC Levy per hectare 5 at \$9.50 each..... | 47.50 |
| EMP Fee per hectare 5 at \$17.70 each..... | 88.50 |
| Base Licence Fee per hectare 5 at \$66 each..... | 330.00 |
| SASQAP (Classified Area) per hectare 5 at \$80 each..... | 400.00 |
| Total Annual Licence Fee | 866.00 |
| Quarterly Instalments..... | 216.50 |

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 MOLLUSC FARMING LICENCE FM00136
(PREVIOUS LICENCE NO. F813)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

Ian J. Sellen (4182)
Sheryl R. Sellen (12238)
17 Rodda Avenue
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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. 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 by the General Manager Aquaculture, delegate of the Minister, on 7 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said I. J. SELLEN and S. R. SELLEN

In the presence of: B. S. OWEN, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectare |
|------------------|------------------|
| AGD 66—Zone 53 | |
| 534450E 6175567N | 1 |
| 534750E 6175567N | |
| 534750E 6175400N | |
| 534450E 6175400N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
 - (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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

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

| Size (mm) | Oysters | 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

Annual licence fees are:

| | \$ |
|--|---------------|
| FRDC Levy per hectare 1 at \$9.50 each..... | 9.50 |
| EMP Fee per hectare 1 at \$17.70 each..... | 17.70 |
| Base Licence Fee per hectare 1 at \$66 each..... | 66.00 |
| SASQAP (Classified Area) per hectare 1 at \$80 each..... | 80.00 |
| Total Annual Licence Fee | 173.20 |
| Quarterly Instalments..... | 43.30 |

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 MOLLUSC FARMING LICENCE FM00142
(PREVIOUS LICENCE NO. F823)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

Glyn M. Owen (11695)
Pamela J. Owen (12191)
3 Hall Street
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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *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 by the General Manager Aquaculture, delegate of the Minister, on 7 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said G. M. OWEN and P. J. OWEN

In the presence of: S. W. THOMSON, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectares |
|------------------|-------------------|
| AGD 66—Zone 53 | |
| 534050E 6175784N | 5 |
| 534350E 6175784N | |
| 534350E 6175617N | |
| 534050E 6175617N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
 - (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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.

Native Oysters (*Ostrea angasi*)
Pacific Oysters (*Crassostrea gigas*)

Item 2—Permitted Farming Methods

Racks

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

Annual licence fees are:

| | \$ |
|--|---------------|
| FRDC Levy per hectare 5 at \$9.50 each..... | 47.50 |
| EMP Fee per hectare 5 at \$17.70 each..... | 88.50 |
| Base Licence Fee per hectare 5 at \$66 each..... | 330.00 |
| SASQAP (Classified Area) per hectare 5 at \$80 each..... | 400.00 |
| Total Annual Licence Fee..... | 866.00 |
| Quarterly Instalments..... | 216.50 |

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 MOLLUSC FARMING LICENCE FM00151
(PREVIOUS LICENCE NO. F833)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

R. P. and L. C. Grove Jones (Marine Farm
Development Ser.)
78 Happy Valley 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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *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 by the General Manager Aquaculture, delegate of the Minister, on 7 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said R. P. GROVE JONES
and L. C. GROVE JONES

In the presence of: P. BARFOOT, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectares |
|------------------|-------------------|
| AGD 66—Zone 53 | |
| 530852E 6177332N | 2 |
| 530952E 6177354N | |
| 530952E 6177554N | |
| 530852E 6177532N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
 - (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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

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

Annual licence fees are:

| | \$ |
|--|---------------|
| FRDC Levy per hectare 2 at \$9.50 each..... | 19.00 |
| EMP Fee per hectare 2 at \$17.70 each..... | 35.40 |
| Base Licence Fee per hectare 2 at \$66 each..... | 132.00 |
| SASQAP (Classified Area) per hectare 2 at \$80 each..... | 160.00 |
| Total Annual Licence Fee..... | 346.40 |
| Quarterly Instalments..... | 86.60 |

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.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00153
(PREVIOUS LICENCE NO. F837)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

R. P. and L. C. Grove Jones (Marine Farm
Development Ser.)
78 Happy Valley 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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. 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 by the General Manager Aquaculture, delegate of the Minister, on 7 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said R. P. GROVE JONES
and L. C. GROVE JONES

In the presence of: P. BARFOOT, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectare |
|------------------|------------------|
| AGD 66—Zone 53 | |
| 532746E 6175747N | 1 |
| 532817E 6175677N | |
| 532887E 6175747N | |
| 532817E 6175818N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).

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

When the site is in navigable water and a 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

Racks
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

Annual licence fees are:

| | \$ |
|--|---------------|
| FRDC Levy per hectare 1 at \$9.50 each..... | 9.50 |
| EMP Fee per hectare 1 at \$17.70 each..... | 17.70 |
| Base Licence Fee per hectare 1 at \$66 each..... | 66.00 |
| SASQAP (Classified Area) per hectare 1 at \$80 each..... | 80.00 |
| Total Annual Licence Fee..... | 173.20 |
| Quarterly Instalments..... | 43.30 |

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 MOLLUSC FARMING LICENCE FM00202
(PREVIOUS LICENCE NO. F1556)

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

Barry Hage (12348)
13 Gledstones Terrace
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 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. 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.

Granted by the General Manager Aquaculture, delegate of the Minister, on 8 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said B. HAGE

In the presence of: B. J. POWER, Witness

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

| Licensed Area | Licensed Hectare |
|-----------------|------------------|
| AGD 66—Zone 53 | |
| 581000E 615000N | 1 |
| 581000E 614990N | |
| 580900E 614990N | |
| 580900E 615000N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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 2—Permitted Farming Methods

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

Annual licence fees are:

| | \$ |
|--|-----------------|
| FRDC Levy per hectare 1 at \$3.50 each..... | 3.50 |
| Base Licence Fee per hectare 1 at \$75 each..... | 75.00 |
| SASQAP (Under Classification)..... | 1 120.00 |
| Total Annual Licence Fee..... | 1 198.50 |
| Quarterly Instalments..... | 299.63 |

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 Decision Notification Form issued for the site under Regulation 42 of the Development Regulations 1993.

An Environmental Monitoring Program for the site must comply with Schedule 10 of the Environment Protection (Marine) Policy 1994.

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 FM00338

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'), the Minister for Primary Industries ('the Minister') hereby grants to:

Adam J. Barnes (1098)
Section 186 in the Hundred of Mundooro
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 July 2000 and ending, subject to any earlier termination under this licence, on 30 June 2001 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. 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 or performed 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 by the General Manager Aquaculture, delegate of the Minister, on 7 September 2000.

I. NIGHTINGALE, General Manager Aquaculture

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

Signed by the said A. J. BARNES

In the presence of: C. WHITE, Witness

SCHEDULE 1**Item 1—The Site**

Area applicable to this licence:

| Licensed Area | Licensed Hectares |
|------------------|-------------------|
| AGD 66—Zone 53 | |
| 762375E 6287450N | |
| 762050E 6287850N | 10 |
| 762175E 6287975N | |
| 762525E 6287600N | |

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) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

When the site is in navigable water and a 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~~ 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*)
- Native Oysters (*Ostrea angasi*)
- Pacific Oysters (*Crassostrea gigas*)
- Scallops, Commercial (King) (*Pecten fumatus*)
- Scallops, (Queen) (*Equichlamys bifrons*)
- Scallops, (Dough Boy) (*Mimachlamys asperrimus*)

Item 1.1—Fish subject to SASQAP testing

All permitted species—Item 1 of Schedule 2.

Item 2 ~~3~~ Permitted Farming Methods

Longlines

Each structure must comply with the construction requirements specified in the Decision Notification Form issued for the site under Regulation 42 of the Development Regulation Act 1993.

Item 3 ~~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 |

Mussels and Scallops

| 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 | 2 200 000 |
| 70 | 1 500 000 |
| 80 | 1 000 000 |
| 90 | 750 000 |
| 100 | 500 000 |

SCHEDULE 3

Item 1—Fees

Annual licence fees are:

| | \$ |
|---|---------------|
| FRDC Levy per hectare 10 at \$9.50 each..... | 95.00 |
| Base Licence Fee per hectare 10 at \$66 each..... | 660.00 |
| Total Annual Licence Fee | 755.00 |
| Quarterly Instalments..... | 188.75 |

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 Decision Notification Form issued for the site under Regulation 42 of the Development Regulations 1993.

An Environmental Monitoring Program for the Site must comply with Schedule 10 of the Environment Protection (Marine) Policy 1994.

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.

INDEPENDENT INDUSTRY REGULATOR ACT 1999

Notice of Variation of Distribution Code

NOTICE is hereby given that the Industry Regulator has, pursuant to section 23 of the Independent Industry Regulator Act 1999, varied the Distribution Code.

The amendments take effect on 14 September 2000.

A copy of the amended Distribution Code may be inspected and/or purchased from Information SA, Ground Floor, Australis Building, 77 Grenfell Street, Adelaide, S.A. 5000, or is available at www.sair.sa.gov.au/regulatory.html.

Queries in relation to the amendments or the Distribution Code may be directed to the office of the South Australian Independent Industry Regulator (SAIIR), Level 8, 50 Pirie Street, Adelaide. Telephone (08) 8463 4444 or Freecall 1800 633 592.

Dated 14 September 2000.

L. OWENS, Industry Regulator

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994

Exemption

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Kenneth Trevor Griffin, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

Carina Amodeo, an officer/employee of Lin Andrews Real Estate Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 2893, folio 118, situated at 47 Windsor Grove, Klemzig, S.A. 5087.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. D. BODYCOAT, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT
1994*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Kenneth Trevor Griffin, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

John McMillan, an officer/employee of Playford Real Estate Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5227, folio 284, situated at 39 Womma Road, Elizabeth North, S.A. 5113.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. D. BODYCOAT, Commissioner

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Rosewater Social Sports Club Inc. has applied to the Licensing Authority for an authorisation to sell liquor to members only for consumption off the premises in respect of premises situated at 39 McGregor Terrace, Rosewater and known as Rosewater Social Sports Club Inc.

The application has been set down for hearing on 13 October 2000.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 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 Marz Investments Pty Ltd has applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at 190 Port Road, Hindmarsh, S.A. 5007 and to be known as Centro Cucina and Café.

The application has been set down for hearing on 13 October 2000.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 6 September 2000.

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 K. Jarmer and V. F. Shaw, c/o David Watts & Associates, Liquor Licensing Consultants, 1 Cator Street, Glenside, S.A. 5065, have applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at Erindale Shopping Centre, Erindale, S.A. 5066 and to be known as Erindale Fine Foods.

The application has been set down for hearing on 13 October 2000.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 5 September 2000.

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 Jouneh Pty Ltd (ACN 093 635 431) has applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at Shop 5, 93 Main South Road, O'Halloran Hill, S.A. 5158 and to be known as Caffe Buongiorno—O'Halloran Hill.

The application has been set down for hearing on 13 October 2000.

Conditions

The following licence conditions are sought:

The Licensee is authorised to sell liquor on any day except Good Friday and Christmas Day for consumption on the licensed premises by persons:

- (a) seated at a table; or
- (b) attending a function at which food is provided.

Extended Trading Authorisation hours of operation: Monday to Saturday, midnight to 4 a.m. the following morning; Sunday, 8 a.m. to 11 a.m. and 8 p.m. to midnight; public holidays, midnight to 4 a.m.

Entertainment consent.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 7 September 2000.

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 Nigel Jonathon Wilson and Tracy Ripley, c/o Kelly & Co., Lawyers have applied to the Licensing Authority for the transfer of a Hotel Licence, an Extended Trading Authorisation, Entertainment Consent and the granting of a Gaming Machine Licence in respect of premises situated at Main Road, Palmer, S.A. 5237 and known as Palmer Hotel.

The application has been set down for hearing on 13 October 2000.

Conditions

The following licence conditions are sought:

An Extended Trading Authorisation to authorise the sale of liquor for consumption on the licensed premises during the following hours:

Friday and Saturday, midnight to 1 a.m. the following day;
 Sunday, 8 a.m. to 11 a.m. and 8 p.m. to midnight; for a Sunday during a long weekend, 8 a.m. to 11 a.m. and 8 p.m. to 1 a.m. the following day.

For consumption off the licensed premises on Sunday, 8 a.m. to 11 a.m. and 8 p.m. to 9 p.m.

Entertainment consent is sought for the whole of the licensed premises.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 11 September 2000.

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 Maid For Us Pty Ltd, c/o Griffins Lawyers, Level 14, 26 Flinders Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for the transfer of a Hotel Licence and Gaming Machine Licence in respect of premises situated at 1 Magill Road, Stepney, S.A. 5069 and known as The Maid and Magpie.

The application has been set down for hearing on Friday, 13 October 2000.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 6 September 2000.

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 the Tanunda Club Incorporated, c/o Griffins Lawyers, Level 14, 26 Flinders Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for the grant of a Variation to an Extended Trading Authorisation in respect of premises situated at 45 MacDonnell Street, Tanunda, S.A. 5352 and known as Tanunda Club.

The application has been set down for hearing on Friday, 13 October 2000.

Conditions

The following licence conditions are sought:

That the condition of the club licence restricting live entertainment to single or duo performers be deleted.

That the extended trading authorisation applying to the club licence be varied to also include extended trading authorisation from 10 a.m. to 11 a.m. on Sunday for consumption:

on the licensed premises by any persons; and
 off the licensed premises by members of the club.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 4 September 2000.

Applicant

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES ACT 1992

Notice of Application for Transfer of Liquor Licence and Gaming Machine Licence

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992 that Franlione Pty Ltd (ACN 094 036 576), c/o Bonnins Lawyers, Level 14, 100 King William Street, Adelaide, S.A. 5000 has applied to the Liquor and Gaming Commissioner for the transfer of a Hotel Licence and Gaming Machine Licence in respect of premises situated at 2 Gawler Street, Port Noarlunga, S.A. 5167 and known as Port Noarlunga Hotel.

The applications have been set down for hearing on 13 October 2000.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 6 September 2000.

Applicant

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES ACT 1992

Notice of Application for Transfer of Liquor Licence and Gaming Machine Licence

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992 that Portlin No. 4 Pty Ltd (ACN 075 875 277), c/o Bonnins Lawyers, Level 14, 100 King William Street, Adelaide, S.A. 5000 has applied to the Liquor and Gaming Commissioner for the transfer of a Hotel Licence and Gaming Machine Licence in respect of premises situated at 51 South Road, Thebarton, S.A. 5031 and known as West Thebarton Hotel.

The applications have been set down for hearing on 13 October 2000.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 6 September 2000.

Applicant

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES ACT 1992

Notice of Applications for Transfer of Liquor Licence and Gaming Machine Licence

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992 that Peter Whaley and Carol Ann Whaley, c/o Kelly & Co., Level 17, 91 King William Street, Adelaide, S.A. 5000 have applied to the Licensing Authority for the transfer of a Hotel Licence, grant of Gaming Machine Licence, Extended Trading Authorisation, Entertainment Consent and a redefinition of the licensed area in respect of premises situated at Townsend Street, Mount Torrens, S.A. 5244 and known as Mount Torrens Hotel.

The applications have been set down for hearing on 13 October 2000.

Conditions

The following licence conditions are sought:

An Extended Trading Authorisation for the whole of the licensed premises to enable the premises to trade from midnight until 1 a.m. Thursday, Friday and Saturday nights and 8 p.m. until midnight on Sunday.

Entertainment Consent to enable amplified live music to be played in area 1 and the redefined area as shown on the plan lodged with the Office of the Liquor and Gaming Commissioner.

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 and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 9 September 2000.

Applicants

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Minerals and Energy proposes to grant an Exploration Licence over the under-mentioned area.

Applicant: Olliver Geological Services Pty Ltd

Location: Condowie area—Approximately 140 km north of Adelaide, bounded as follows: Commencing at a point being the intersection of latitude 33°50'S and longitude 138°17'E, thence east to longitude 138°20'E, south to latitude 33°55'S, east to longitude 138°21'E, south to latitude 33°59'S, west to longitude 138°19'E, north to latitude 33°57'S, west to longitude 138°18'E, north to latitude 33°56'S, west to longitude 138°17'E, north to latitude 33°55'S, west to longitude 138°16'E, north to latitude 33°51'S, east to longitude 138°17'E, and north to the point of commencement, all the within latitudes and longitudes are geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated 6 October 1966 (AGD66).

Term: 1 year

Area in km²: 86

Ref: 31/2000

L. JOHNSTON, Mining Registrar, Department of Primary Industries and Resources.

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Minerals and Energy proposes to grant an Exploration Licence over the under-mentioned area.

Applicant: Equinox Resources NL

Location: Nuckulla Hill area—Approximately 120 km north-east of Ceduna, bounded as follows: Commencing at a point being the intersection of latitude 31°28'S and longitude 134°38'E, thence east to longitude 134°54'E, south to latitude 31°39'S, west to longitude 134°49'E, south to latitude 32°00'S, west to longitude 134°40'E, north to latitude 31°46'S, west to longitude 134°38'E, and north to the point of commencement, but excluding Lake Gairdner National Park, all the within latitudes and longitudes are geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated 6 October 1966.

Term: 2 years

Area in km²: 1 029

Ref: 161/1999

L. JOHNSTON, Mining Registrar, Department of Primary Industries and Resources.

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Minerals and Energy proposes to grant an Exploration Licence over the under-mentioned area.

Applicant: Goldstream Mining NL

Location: Kangaroo Dam area—Approximately 40 km south-east of Coober Pedy, bounded as follows: Commencing at a point being the intersection of latitude 29°18'S and longitude 134°45'E, thence east to longitude 135°04'E, south to latitude 29°28'S, west to longitude 134°45'E, and north to the point of commencement, but excluding the surface stratum of the Coober Pedy Precious Stones Field (*Government Gazette* 18.3.82), all the within latitudes and longitudes being geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated 6 October 1966 (AGD66).

Term: 1 year

Area in km²: 567

Ref: 51/2000

L. JOHNSTON, Mining Registrar, Department of Primary Industries and Resources.

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Minerals and Energy proposes to grant an Exploration Licence over the under-mentioned area.

Applicant: Balquhidder Pty Ltd

Location: Tunkalilla Beach area—Approximately 15 km west of Waitpinga, bounded as follows: Commencing at a point being the intersection of latitude 35°35'S and longitude 138°17'E, thence east to longitude 138°25'E, south to a line parallel to, and 800 m inland from highwater mark, thence generally westerly along the said parallel line to an eastern boundary of Deep Creek Conservation Park, thence generally northerly and westerly along the boundary of the said Conservation Park to longitude 138°17'E, and north to the point of commencement, but excluding Waitpinga Conservation Park and Eric Bonython Conservation Park, all the within latitudes and longitudes being geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated 6 October 1966 (AGD66).

Term: 1 year

Area in km²: 65

Ref: 202/1994

L. JOHNSTON, Mining Registrar, Department of Primary Industries and Resources.

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LIVESTOCK ACT 1997

Appointments

I, ROBERT GERARD KERIN, Minister for Primary Industries and Resources, being the Minister responsible for the administration of the Livestock Act 1997, do hereby appoint the following people as Inspectors, pursuant to section 63 (1) (c1) of this Act:

Andrew Hill
Linda Anne Mildren
Brian Robert Rowett
Colin Thomas Davis
Barry Walter Handke
Allen Lynford Arthur
Frances Ellen Anderson

Dated 7 September 2000.

ROB KERIN, Minister for Primary Industries and Resources.

NATIONAL PARKS AND WILDLIFE ACT 1972

Winninowie Conservation Park Plan of Management

I, IAIN EVANS, Minister for Environment and Heritage, hereby give notice under the provisions of section 38 of the National Parks and Wildlife Act 1972, that I have adopted a plan of management in respect of the Winninowie Conservation Park.

Copies of the plan may be inspected at or obtained from the offices of The Department for Environment and Heritage at The Environment Shop, Ground Floor, Australis Building, 77 Grenfell Street, Adelaide, S.A. 5000, (G.P.O. Box 1047, Adelaide, S.A. 5001) telephone (08) 8204 1910 or Mount Remarkable National Park (PMB 7, Mambray Creek via Port Pirie, S.A. 5540) telephone (08) 8634 7068 or 9 MacKay Street, Port Augusta, S.A. 5700 (P.O. Box 78, Port Augusta, S.A. 5700) telephone (08) 8648 5300.

Copies of this publication can be purchased at a cost of \$9.35 per copy, including GST (plus \$2 postage within South Australia) from the addresses above.

Copies of the representations made in relation to this management plan (except those made in confidence) may be viewed at The Environment Shop, Ground Floor, Australis Building, 77 Grenfell Street, Adelaide, S.A.

HON. IAIN EVANS, Minister for Environment and Heritage and Minister for Recreation, Sport and Racing

THE NATIONAL TRUST OF SOUTH AUSTRALIA

Rules

THE Council of The National Trust of South Australia, in pursuance of the provisions of Section 9 of the National Trust of South Australia Act 1955-1975, and with the concurrence of two-thirds of the whole number of the members of the council, at a meeting held on 6 May 2000, made and passed the rules set out in the annexure hereto as a new set of rules for the purposes of the Act with a view to the more efficient management and conduct of the National Trust of South Australia.

In pursuance of the provisions of the said section 9, the said rules set out in the annexure hereto were submitted to and approved by resolution of a general meeting of the National Trust of South Australia held at Adelaide on 6 May 2000.

The said rules set out in the annexure hereto are a true copy of the new set of rules made passed and approved as above-mentioned.

Dated 5 September 2000.

Signed for and on behalf of the Council of the National Trust of South Australia.

L. W. OWENS, Chairman of the Council
W. COSSEY, Member of the Council

NATIONAL TRUST OF SOUTH AUSTRALIA ACT
1955-1975*Rules of The National Trust of South Australia*

PART 1—PRELIMINARY

1. *Definitions*

In these rules:

Act means the National Trust of South Australia Act 1955;

Business Day means any day except a Saturday or Sunday or other public holiday in South Australia;

Council means the Council of the National Trust whether elected pursuant to these rules or any earlier rules;

Councillor means a member of the council (including the President and Vice President) and includes (where the context admits) a Regional Councillor;

Director means the person appointed to that office or employed in that position by the council to manage generally the operations, assets and affairs of the National Trust;

National Trust means the National Trust of South Australia constituted and incorporated under the Act;

President means the person elected to that office by the Council or appointed to that office to fill a casual vacancy;

Regional Councillor means a Councillor representing a region elected in accordance with these rules or nominated pursuant to any earlier rules;

Vice President means the person elected to that office under Rule 30.

2. *Interpretation*

In these rules, unless the context otherwise requires:

2.1 headings do not affect interpretation;

2.2 singular includes plural and plural includes singular;

2.3 reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it.

PART 2—MEMBERSHIP

3. *Membership*

3.1 The National Trust has the following categories of membership:

3.1.1 ordinary membership;

3.1.2 life membership;

3.1.3 honorary life membership;

3.1.4 corporate membership;

3.1.5 any other category identified and described as the Council thinks fit.

3.2 An ordinary member is a person who has applied in writing for ordinary membership and who, in each year, has paid to the National Trust:

3.2.1 the full ordinary membership fee set by the council; or

3.2.2 a reduced ordinary membership fee set by the council and applying in such circumstances as the council may determine.

3.3 A life member is a person who has applied in writing for life membership and has paid to the National Trust the life membership fee set by the council.

3.4 An honorary life member is a person who, on the council's recommendation, the National Trust in general meeting has appointed as an honorary life member, in recognition of long and distinguished service to the National Trust.

3.5 A corporate member is a body corporate which has applied in writing for corporate membership and which, in each year, has paid to the National Trust the corporate membership fee set by the council. A corporate member has no membership privileges. However, it may nominate three of its employees or officers to receive the privileges of an ordinary member.

3.6 An ordinary member younger than 18 years:

3.6.1 is not counted for a quorum;

- 3.6.2 does not have a vote at any postal ballot, general meeting or branch meeting;
- 3.6.3 cannot join in a request for a poll;
- 3.6.4 cannot sign a request to call an extraordinary general meeting;
- 3.6.5 cannot stand for or hold any office.
4. *Membership fees*
- 4.1 If a person became an ordinary member on or before 2 May 1992, the person must pay the ordinary membership fee on joining and then on 1 January in each year, until the person dies or resigns.
- 4.2 If a person became an ordinary member after 2 May 1992:
- 4.2.1 the person must pay the ordinary membership fee on joining and then on the first day of the month following each anniversary of joining, until the person dies or resigns subject to the following subclause;
- 4.2.2 if the person does not die or resign in writing before the anniversary of joining in any year, the person must pay the ordinary membership fee for the following year.
- 4.3 An ordinary member, who does not pay the ordinary membership fee within 30 days after the due date, is unfinancial and:
- 4.3.1 cannot take part in any business of the National Trust;
- 4.3.2 is not counted for a quorum;
- 4.3.3 does not have a vote at any general meeting, regional meeting or branch meeting;
- 4.3.4 cannot join in a request for a poll;
- 4.3.5 cannot sign a request to call an extraordinary general meeting; or
- 4.3.6 cannot stand for, hold or retain any office.
5. *Liability of members*
- A member's liability is limited to the member's unpaid membership fees (if any).
- PART 3—GENERAL MEETINGS
6. *Annual general meetings*
- 6.1 The council must call an annual general meeting in each year, at any place, date and time the council decides.
- 6.2 The council must present at each annual general meeting:
- 6.2.1 a report of the work done in the previous year;
- 6.2.2 audited financial statements for the previous year.
7. *Extraordinary general meetings*
- 7.1 The council may call an extraordinary general meeting at any place, date and time the council decides.
- 7.2 The council must call an extraordinary general meeting on the request of at least 50 members.
- 7.3 The request must:
- 7.3.1 be in writing;
- 7.3.2 state any resolution to be proposed at the meeting;
- 7.3.3 be signed by the members making the request; and
- 7.3.4 be given to the Director.
- 7.4 The council must call the meeting within 14 days after the request is given. The meeting must be held within 2 months after the request is given.
- 7.5 If the council does not call the extraordinary general meeting within 14 days after the request is given, the members who requested it may do so, at the cost of the National Trust.
8. *Notice*
- 8.1 At least 28 days' notice must be given of a general meeting to all members.
- 8.2 A notice of a general meeting must set out the place, date, time and agenda for the meeting.
- 8.3 Non-receipt of notice of a meeting does not invalidate anything done at the meeting.
- 8.4 A Councillor may propose a motion at a general meeting without giving notice.
- 8.5 A member, who is not a Councillor, may propose a motion at a general meeting only if:
- 8.5.1 the member gives notice of it to the Director at least 21 days before the general meeting; and
- 8.5.2 another member endorsed that notice.
9. *Quorum*
- 9.1 A quorum for a general meeting is 20 members.
- 9.2 The quorum must be present at all times during the meeting.
- 9.3 If a quorum is not present within one hour after the time appointed for an annual general meeting, the meeting may still transact any business it thinks necessary.
- 9.4 If a quorum is not present within one hour after the time appointed for an extraordinary general meeting, the meeting is dissolved.
10. *Chairman*
- 10.1 The President is entitled to chair each general meeting.
- 10.2 If there is no President, or if the President is not present within 10 minutes after the time appointed for the general meeting or is unable or unwilling to act, a Vice President may chair the general meeting. If there is no Vice President, or if no Vice President is present within 10 minutes after the time appointed for the meeting or is unable or unwilling to act, a member of the council may chair the meeting. If no member of the council is present within 10 minutes after the time appointed for the meeting or is unable or unwilling to act, any person elected by the members present at the general meeting may chair the meeting.
11. *How members make decisions at general meetings*
- 11.1 A general meeting makes a decision by passing a resolution.
- 11.2 A resolution is passed if more than 50% of the votes cast by the members, present in person and entitled to vote, are in favour of the resolution.
12. *How voting is carried out*
- Unless a poll is properly requested, a resolution put to the vote at a general meeting must be decided on a show of hands.
13. *Polls*
- 13.1 A poll may be requested by at least 30 members entitled to vote on the resolution.
- 13.2 On such request, a poll must be taken in any way the chairman directs.
- 13.3 The result of the poll is the resolution of the meeting.
14. *How many votes a member has*
- 14.1 Each member present in person, except a minor or a corporate member, has one vote.
- 14.2 Each corporate member nominee, present in person, has one vote.
- 14.3 The chairman also has a casting vote.

15. *Adjournments*

- 15.1 The chairman may, with the consent of the members, adjourn a general meeting to any place, date and time.
- 15.2 New notice of the resumed meeting must be given only if:
- 15.2.1 the meeting is adjourned for more than one month; or
- 15.2.2 business, other than unfinished business, is to be transacted at the resumed meeting.

PART 4—MEMBERSHIP OF COUNCIL

16. *Council*

From the annual general meeting held next after the commencement of these rules, the council will comprise:

- 16.1 Seven Councillors.
- 16.2 Seven Regional Councillors, being one for each region at the commencement of these rules, provided that if the council determines a greater or lesser number of regions from time to time pursuant to Rule 20.1, a number of Regional Councillors equal to the number of regions so determined,

elected in accordance with these rules.

17. *Qualification*

Each Councillor must be:

- 17.1 a member, or a nominee of a corporate member, of the National Trust; and
- 17.2 aged at least 18 years.

18. *President and Vice President*

- 18.1 At the first council meeting after the annual general meeting held next after the commencement of these rules and thereafter, the council must elect a President and a Vice President when those positions are vacant in accordance with these rules.
- 18.2 The term of office of the President and the Vice President elected in accordance with Rule 18.1 ends on the second anniversary of their election or at any earlier time that they cease to be a Councillor.

19. *Councillors elected at annual general meeting*

- 19.1 At the annual general meeting held next after the commencement of these rules and thereafter, the members of the National Trust shall elect Councillors to hold office for a period of 2 years in accordance with these rules so that the total number of elected Councillors is seven.
- 19.2 Councillors elected at an annual general meeting in accordance with Rule 19.1 commence office at the end of the annual general meeting at which they are declared elected.
- 19.3 A Councillor who has completed a term of office remains eligible for election to further terms of office in accordance with this Rule 19.

20. *Regional Councillors*

- 20.1 The council may divide the area of the State of South Australia into regions having boundaries determined by the council. The regions at the date of commencement of these rules shall be:
- Central
 - Riverland
 - Mid North
 - Yorke Peninsula
 - Eyre Peninsula
 - South East
 - Southern/Hills

- 20.2 At least 3 months before the annual general meeting held next after the commencement of these rules and thereafter:

- 20.2.1 the members of the National Trust resident within each region must appoint a representative of that region who shall serve as a Regional Councillor;
- 20.2.2 Regional Councillors commence office at the end of the annual general meeting next after they are elected;
- 20.2.3 a Regional Councillor who has completed a term of office remains eligible for election to further terms of office in accordance with this Rule 20.

21. *Retirement of Councillors*

- 21.1 The following Councillors automatically retire at the end of each annual general meeting:
- 21.1.1 any Councillor for whom this would be the second annual general meeting following his or her commencement of office; and
- 21.1.2 any Councillor appointed by the council pursuant to Rule 25.1 since the last annual general meeting.
- 21.2 At the annual general meeting held next after the commencement of these rules, three Councillors elected at an annual general meeting and three Regional Councillors shall retire. The Councillors to retire shall be selected by agreement or, failing agreement, by lot. This subclause does not apply to the President.

22. *Advisory committees*

- 22.1 The council may at its discretion establish advisory committees to make reports and recommendations to the council.
- 22.2 The membership of advisory committees may include persons who are not members of the National Trust.
- 22.3 The council shall appoint one of its members as Chairperson of each advisory committee.

23. *Nominations for elections*

- 23.1 The council must call for nominations for Councillors to be elected at the annual general meeting and as regional representatives in a publication of the National Trust distributed generally to members, as the council decides.
- 23.2 A nomination must:
- 23.2.1 be in writing;
- 23.2.2 include a biography of less than 100 words about the candidate;
- 23.2.3 be signed by two members of the National Trust;
- 23.2.4 include the candidate's written consent to act;
- 23.2.5 be lodged with the Director by a date set by the council.

24. *Need for elections*

- 24.1 If the number of candidates for an office does not exceed the number of vacancies for that office, the chairman of the annual general meeting must declare all such candidates duly elected. The declaration of election takes effect from the end of that annual general meeting.
- 24.2 If there is no candidate for any office there shall be deemed to be a casual vacancy in that office.
- 24.3 If the number of candidates for an office exceeds the number of vacancies for that office, there must be an election in accordance with these rules.

25. *Casual vacancies in elected offices*

- 25.1 If the President, Vice President or any Councillor resigns or dies in office or the office becomes vacant by virtue of Rule 51 or otherwise, the Council may appoint another Councillor or National Trust member to that office. If the vacancy is for a Regional Councillor, the council must attempt to make an appointment from that region and if that attempt fails, the council may appoint another National Trust member to that office.
- 25.2 A President or Vice President appointed to fill a casual vacancy holds office until the first council meeting after the next annual general meeting.
- 25.3 A Councillor appointed to fill a casual vacancy holds office until the end of the next annual general meeting.

PART 5—COUNCIL MEETINGS

26. *Regulation*

The council may meet, adjourn and otherwise regulate their meetings as they think fit.

27. *Calling meetings*

- 27.1 Any three Councillors may call a council meeting by notice in writing.
- 27.2 On the request of any three Councillors, the Director must call a council meeting within 30 days of the date of the request.

28. *Notice*

- 28.1 Notice of a council meeting must be given to each Councillor in writing.
- 28.2 The notice must:
- 28.2.1 specify the day, time and place of the meeting;
- 28.2.2 state the business to be transacted;
- 28.2.3 be given at least three business days before the meeting, unless all Councillors otherwise agree.
- 28.3 Non-receipt of notice of a meeting does not invalidate anything done at the meeting.

29. *Quorum*

- 29.1 A quorum for a council meeting until the annual general meeting held next after the commencement of these rules is eight Councillors, at least five of whom must be Councillors elected to that office.
- 29.2 A quorum for a council meeting held after the annual general meeting next after the commencement of these rules and thereafter is eight Councillors.
- 29.3 The quorum must be present at all times during the meeting.

30. *Chairman*

- 30.1 The President is entitled to chair each council meeting.
- 30.2 If there is no President, or if the President is not present within 10 minutes after the time appointed for the meeting or is unable or unwilling to act, the Vice President may chair the meeting. If the Vice President is not present within 10 minutes after the time appointed for the meeting or is unwilling to act the members of council shall elect one of their number to chair the meeting.

31. *Decisions of council*

- 31.1 Each Councillor has one vote.
- 31.2 A resolution of the council is passed by a majority of votes cast.
- 31.3 The chairman of the meeting also has a casting vote.

PART 6—POWERS OF COUNCIL

32. *General powers*

- 32.1 The business of the National Trust is managed by or under the direction of the council.
- 32.2 The council may exercise all powers of the National Trust, except any powers that these rules require the National Trust to exercise in general meeting.

33. *Specific powers*

The National Trust may:

- 33.1 act with any person to give effect to the purposes of the Act;
- 33.2 enter into agreements with any person, who has an interest in land, to restrict or manage the development or use of that land;
- 33.3 borrow or raise money;
- 33.4 secure any loan or financial accommodation and interest thereon, by granting a mortgage, charge or other security over National Trust assets;
- 33.5 accept gifts of money or property, wherever situated and of any kind;
- 33.6 invest money in any form of investment;
- 33.7 subject to a trust or the conditions of a gift, vary an investment or realise an investment and reinvest money resulting from the realisation in any form of investment;
- 33.8 subject to a trust or the conditions of a gift, sell property which is not required for the purposes of the Act;
- 33.9 open an account with any financial institution including a bank;
- 33.10 operate that account in accordance with the customs, usage and practices of that financial institution. This may include:
- 33.10.1 drawing, making, accepting, endorsing, executing and issuing promissory notes, bills of exchange, bills of lading, cheques and other negotiable instruments;
- 33.10.2 overdrawing the account;
- 33.10.3 permitting the financial institution to debit the account with charges and duties;
- 33.11 appoint agents to transact any business of the National Trust on its behalf;
- 33.12 delegate any of its powers (including this power to delegate) to any person;
- 33.13 enter into any contract it thinks fit;
- 33.14 do anything contemplated by, or incidental to, the Act and these rules.

34. *Execution of documents*

- 34.1 The National Trust may execute a document without using a common seal if the document is signed by two Councillors, authorised to do so by a resolution of the council.
- 34.2 The National Trust may execute a document if its common seal is fixed to the document and the fixing of the common seal is witnessed by two Councillors, authorised to do so by a resolution of the council.
- 34.3 A person may assume that persons signing a document, or witnessing the fixing of the common seal to the document, are authorised to do so, unless the contrary is proved.
- 34.4 The National Trust may execute a document as a deed if the document is expressed to be executed as a deed and is executed in accordance with subclause 1 or 2 of this clause.

- 34.5 This clause does not limit the ways in which the National Trust may execute a document (including a deed).
35. *Negotiable instruments*
The council may decide how negotiable instruments (including cheques) may be signed, drawn, accepted, endorsed or otherwise executed.
36. *Officers and employees*
The council may:
- 36.1 employ any person, for any period and on any terms (including as to remuneration) it thinks fit;
- 36.2 appoint and remove any honorary officers it thinks fit;
- 36.3 employ or appoint any person as the Director.
37. *Committees*
- 37.1 In addition to the advisory committees referred to in Rule 22, the council may for any purpose it thinks fit:
- 37.1.1 appoint committees of Councillors, or of Councillors and other persons, or of other persons;
- 37.1.2 decide the term and rights of committees and of committee members (including the right to vote).
- 37.2 A committee member ceases to hold that office if absent, without the consent of the committee, from three consecutive committee meetings.
38. *Vacancies and defects*
The act of the council or a committee is valid notwithstanding:
- 38.1 any vacancy in the council or committee; or
- 38.2 any defect that may afterwards be discovered in the election or appointment or qualification of a Councillor or committee member.
39. *Alteration of rules*
The council may make new rules and by-laws, and revoke and vary these rules and any by-laws, with a view to the more efficient management and conduct of the National Trust, if the new rules or by-laws, or the revocation or variation:
- 39.1 has first received the concurrence of two-thirds of the whole number of members of the council; and
- 39.2 has been approved by the National Trust by resolution of a general meeting of the National Trust.
40. *Branches*
- 40.1 The council may form branches of the National Trust for the purpose of local administration in city, metropolitan or country areas.
- 40.2 The council may, when in its opinion it is desirable to do so, cause or facilitate, on terms in the absolute discretion of the council, the incorporation of a branch pursuant to the Associations Incorporation Act 1985, for the purposes of ensuring greater autonomy, administrative efficiency and control.
- 40.3 A branch shall abide by by-laws made to regulate the activities of branches.
- PART 7—RECORDS
41. *Register of members*
- 41.1 The National Trust must set up and maintain a register of members.
- 41.2 The register of members must contain each member's name and last known residential address.
42. *Minute book*
- 42.1 The National Trust must keep minute books in which it records proceedings and resolutions of general meetings, council meetings, and committee meetings.
- 42.2 The National Trust must ensure that minutes of a meeting are signed within a reasonable time after the meeting by one of the following:
- 42.2.1 the President;
- 42.2.2 the Vice President; or
- 42.2.3 the chairman of that meeting or the next meeting.
- 42.3 A minute that is so recorded and signed is evidence of the proceeding or resolution to which it relates, unless the contrary is proved.
43. *Accounts and audit*
- 43.1 The National Trust must:
- 43.1.1 keep proper accounts of all income and expenditure of the National Trust;
- 43.1.2 keep a record of all its assets;
- 43.1.3 prepare a statement of income and expenditure and a balance sheet at least once a year;
- 43.1.4 cause its accounts to be audited annually by a member of the Institute of Chartered Accountants in Australia.
- 43.2 Each Councillor and employee of the National Trust must:
- 43.2.1 allow the auditor access to the accounts of the National Trust; and
- 43.2.2 give the auditor any information, explanation or assistance reasonably required by the auditor.
- PART 8—NOTICES
44. *In writing*
Notice must be in writing and in English, and may be given by any authorised representative of the sender.
45. *Notice to members*
The National Trust may give notice to a member:
- 45.1 personally;
- 45.2 by sending it by post to the address of the member in the register of members;
- 45.3 by sending it to the fax or electronic address (if any) nominated by the member.
46. *Notice to councillors*
The National Trust may give notice to a Councillor:
- 46.1 personally;
- 46.2 by sending it by post to the Councillor's usual residential or other address nominated by them;
- 46.3 by sending it to the fax or electronic address (if any) nominated by the Councillor.
47. *Notice to National Trust*
A person may give notice to the National Trust:
- 47.1 by leaving it at the Adelaide office of the National Trust at a time when that office is open and attended;
- 47.2 by sending it by post to that address or postal address (if any) nominated by the National Trust;
- 47.3 by sending it to the fax or electronic address (if any) nominated by the National Trust.
48. *Addresses outside Australia*
A notice sent by post to or from a place outside Australia must be sent by airmail.
49. *Time of service*
- 49.1 A notice sent by post within Australia is taken to be given three Business Days after posting.
- 49.2 A notice sent by post to or from a place outside Australia is taken to be given seven Business Days after posting.

49.3 A notice sent by fax, or other electronic means, is taken to be given on the Business Day after it is sent (if the sender's transmission report shows that the whole notice was sent to the correct facsimile number or electronic address).

50. *Telephone and video links*

50.1 By prior agreement with the Director and provided the majority of persons present at a meeting agree, a person may attend any meeting provided for in these rules (except an annual general meeting) by telephone, video link or such other electronic means as enables that person to participate in such meeting as if they were present in person. If, in the opinion of the chairman of the meeting, the person is unable to participate as if they were present in person, the chairman may for the purposes of such meeting, disregard the attendance of such person.

50.2 A person attending a meeting by the means described in this rule will be deemed to be present for the purposes of any quorum requirement for such meeting.

PART 9—CONDUCT

51. *Conflict of interest and conduct of councillors and office-holders*

51.1 The council may from time to time adopt codes, policies or guidelines relating to conflict of interest and the conduct of Councillors and other office-holders. Such codes, policies or guidelines shall bind the Councillors and other officeholders to whom they refer as if they were set out in and formed part of these rules.

51.2 If a majority of members of the council are satisfied a Councillor has committed a breach (other than a trivial breach) of codes, policies or guidelines adopted in accordance with Rule 51.1 the council may, after having given the Councillor or other officeholder a reasonable opportunity to be heard by the council, resolve that the office of the Councillor or other officeholder is deemed to be vacant and that the Councillor or officeholder in question is disqualified from holding such office (and in council's discretion, any other office) for such period as the council thinks fit.

PART 10—OPERATION OF RULES

52. *Commencement of rules*

Subject to the requirements of section 9 (3) of the Act, Rule 39 and the Subordinate Legislation Act 1978, these rules come into operation 4 months after the day on which they are made by council.

PASSENGER TRANSPORT ACT 1994

Appointments

NOTICE is hereby given that the following persons have been appointed by the Minister for Transport and Urban Planning under section 53 of the Passenger Transport Act 1994 to be Authorised Officers under that Act:

Randall Owen Cocks
Wayne Arthur Lee
Brenton Noel Richards
Patrick James Sparks
Peter Kevin Thomas

H. WEBSTER, Executive Director, Passenger Transport Board

PASSENGER TRANSPORT ACT 1994

Appointment

NOTICE is hereby given that the following person has been appointed by the Minister for Transport and Urban Planning under section 53 of the Passenger Transport Act 1994 to be an Authorised Officer under that Act:

Alan Whitaker

H. WEBSTER, Executive Director, Passenger Transport Board

PASSENGER TRANSPORT ACT 1994

Appointment

PURSUANT to section 57 of the Passenger Transport Act 1994 the following person has been authorised by the Passenger Transport Board to act as a Prescribed Officer:

Alan Whitaker

H. WEBSTER, Executive Director, Passenger Transport Board

SEWERAGE ACT 1929

Addition of Land to Port Lincoln Country Drainage Area

PURSUANT to section 18 of the *Sewerage Act 1929*, the South Australian Water Corporation:

- (a) adds to the Port Lincoln Country Drainage Area all the land contained in allotment 5 in Deposited Plan 22874; and
- (b) declares that this notice has effect from the commencement of the financial year in which it is published in the *Gazette*.

Dated 5 September 2000.

Signed for and on behalf of the South Australian Water Corporation by a person duly authorised so to do:

N. K. T. WHITE

In the presence of: P. M. RUCIOCH

SAWATER 01048/2000 D1086

SEWERAGE ACT 1929

Removal of Land from, and Addition of Land to, Adelaide Drainage Area

PURSUANT to section 18 of the *Sewerage Act 1929*, the South Australian Water Corporation:

- (a) removes from the Adelaide Drainage Area all the land contained in allotment 503 in Deposited Plan 43339 (except the portion of that land already outside the Adelaide Drainage Area);
- (b) adds to the Adelaide Drainage Area all the land contained in Deposited Plan 54387; and
- (c) declares that this notice has effect from the commencement of the financial year in which it is published in the *Gazette*.

Dated 5 September 2000.

Signed for and on behalf of the South Australian Water Corporation by a person duly authorised so to do:

N. K. T. WHITE

In the presence of: P. M. RUCIOCH

SAWATER 01049/2000 D1087

WATERWORKS ACT 1932

Removal of Land from Jamestown Country Lands Water District and Addition to Peterborough Water District

PURSUANT to section 6 of the *Waterworks Act 1932*, the South Australian Water Corporation:

- (a) removes from the Jamestown Country Lands Water District and adds to the Peterborough Water District all the land contained in allotment 1 in Filed Plan 121160; and
- (b) declares that this notice has effect from the commencement of the financial year in which it is published in the *Gazette*.

Dated 5 September 2000.

Signed for and on behalf of the South Australian Water Corporation by a person duly authorised so to do:

N. K. T. WHITE

In the presence of: P. M. RICIOCH

SAWATER 01050/2000 W1088

WATERWORKS ACT 1932

Addition of Land to Tumby Bay Water District

PURSUANT to section 6 of the *Waterworks Act 1932*, the South Australian Water Corporation:

- (a) adds to the Tumby Bay Water District all the land contained in:
- (i) allotment 17 in Deposited Plan 50474 (except the portion of that land already in the Tumby Bay Water District);
- (ii) Deposited Plan 15461 (except the portion of that land already in the Tumby Bay Water District); and
- (iii) Deposited Plan 55096 (except the portion of that land already in the Tumby Bay Water District); and
- (b) declares that this notice has effect from the commencement of the financial year in which it is published in the *Gazette*.

Dated 5 September 2000.

Signed for and on behalf of the South Australian Water Corporation by a person duly authorised so to do:

N. K. T. WHITE

In the presence of: P. M. RICIOCH

SAWATER 01052/2000 W1089

WATER MAINS AND SEWERS

Office of the South Australian Water Corporation
Adelaide, 14 September 2000.

WATER MAINS LAID

Notice is hereby given that the following main pipes or parts of main pipes have been laid down by the South Australian Water Corporation in or near the undermentioned water districts and are now available for a constant supply of water to adjacent land.

ADELAIDE WATER DISTRICT

CITY OF CAMPBELLTOWN
Ridgefield Avenue, Paradise. p9

DISTRICT OF MOUNT BARKER

Easement in reserve (lot 359), Woodside Road, Nairne. p12
Megan Circuit, Nairne. p12
Easement in reserve (lot 365), Megan Circuit, Nairne. p12
Emma Road, Nairne. p12

CITY OF ONKAPARINGA

Morningside Drive, Woodcroft. p10

CITY OF PLAYFORD

Lachlan Drive, Craigmore. p7
Karen Avenue, Craigmore. p7

CITY OF PORT ADELAIDE ENFIELD

Wilkins Road, Gillman and Wingfield. p8

CITY OF SALISBURY

Merchant Crescent, Pooraka. p3
Burma Road, Pooraka. p3 and 4

CITY OF TEA TREE GULLY

Across Golden Grove Road, Surrey Downs and Wynn Vale. p6
The Grove Way, Wynn Vale. p6
Leith Court, Wynn Vale. p6

PORT LINCOLN WATER DISTRICT

CITY OF PORT LINCOLN

Valley View Road, Port Lincoln. p13

WATER MAINS ABANDONED

Notice is hereby given that the undermentioned water main has been abandoned by the South Australian Water Corporation.

ADELAIDE WATER DISTRICT

CITY OF SALISBURY

Merchant Crescent, Pooraka. p5

ADDENDUM

Addendum to notice in "*Government Gazette*" of 7 April 1988.

"WATER MAINS LAID"

"Notice is hereby given that the following main pipes or parts of main pipes have been laid down by the South Australian Water Corporation in or near the undermentioned water districts and are now available for a constant supply of water to adjacent land."

"CITY OF ONKAPARINGA"

"Carob Court (now Kookaburra Court), Willunga – 378.1 m of 100 mm DICL main from 100 mm main Quarry Court running generally easterly, south-easterly, south-westerly and again south-easterly. p. 16 and 17"

To this notice add " This main is available on application only to lot 202 in LTRO DP 50548. p17"

SEWERS LAID

Notice is hereby given that the following sewers have been laid down by the South Australian Water Corporation in the undermentioned drainage areas and are now available for house connections.

ADELAIDE DRAINAGE AREA

CITY OF CAMPBELLTOWN

Ridgefield Avenue, Paradise. FB 1089 p45

CITY OF MARION

Barton Drive, Trott Park. FB 1089 p40
Easements in lots 105 and 91, Way Place, Marino. FB 1089 p49
Peterson Avenue, Mitchell Park. FB 1089 p50

CITY OF PLAYFORD

Holcomb Street, Elizabeth East. FB 1089 p39
Lachlan Drive, Craigmore. FB 1089 p46
Ridgeway Road, Elizabeth West. FB 1089 p44

CITY OF PORT ADELAIDE ENFIELD

Ivey Street, Ottoway. FB 1089 p51

CITY OF SALISBURY

Sharp Court, Cavan. FB 1089 p41
Burma Road, Pooraka. FB 1089 p42 and 43

CITY OF TEA TREE GULLY

Easements in reserve (lot 3), Golden Grove Road and lots 4 and 5,
Leith Court, Wynn Vale. FB 1089 p47 and 48
Walkway south-east of lot 5, Leith Court, Wynn Vale. FB 1089
p47 and 48
Leith Court, Wynn Vale. FB 1089 p47 and 48

PORT LINCOLN COUNTRY DRAINAGE AREA**CITY OF PORT LINCOLN**

Porter Street, Port Lincoln. FB 1089 p52
Easements in lot 10, Mortlock Terrace, Port Lincoln. FB 155 p2

SEWERS ABANDONED

Notice is hereby given that the undermentioned sewer has been abandoned by the South Australian Water Corporation.

ADELAIDE DRAINAGE AREA**CITY OF MARION**

Easements in lots 105 and 91, Way Place, Marino. FB 1089 p49

S. SULLIVAN, Chief Executive Officer South
Australian Water Corporation

ROAD TRAFFIC ACT 1961**ROAD TRAFFIC (DRIVING HOURS) REGULATIONS 1999***Driving Hours and Records for Heavy Trucks carrying live farm animals as their primary load*

PURSUANT to Regulation 5(4) of the Road Traffic (Driving Hours) Regulations 1999 ('the Regulations'), I, Diana Vivienne Laidlaw, Minister for Transport and Urban Planning, HEREBY DECLARE that the following specified regulations:

- Regulation 19 (1) (b) maximum driving times;
- Regulation 20 (1) (b) maximum work times; and
- Regulation 21 (1) (b) minimum rest times,

With respect to the first of two consecutive Periods 2 (Period 2 as defined in Regulation 18) do not apply to the use of vehicles of the following class, subject to the conditions listed below:

- Heavy trucks (as defined in Regulation 8), carrying live farm animals namely, cattle, sheep, goats or pigs as their primary load whilst undertaking local or non-local work.

Conditions:

1. This declaration applies only in extenuating circumstances, where the welfare of the farm animals is at risk as a result of unforeseen delays.
2. Records of the reason for exceeding the regulated hours of driving and working are to be recorded in the drivers log book and presented to an authorised person on request.

(Note: Drivers must be able to demonstrate that their trip schedule would have allowed for completion of the journey within the driving, working and resting hours limits described in the Regulations, had the unforeseen delay not occurred).

3. This declaration is only valid for travel entirely within the State of South Australia.
4. This declaration is only valid so long as the minimum rest times (as stipulated in Regulation 21) of any relevant Period 1 of the Regulations are adhered to.
5. Subject to condition 4, under this declaration the maximum working time of 16 hours, including a maximum driving time of up to 14 hours for the first of two consecutive Periods 2 shall apply in lieu of the limits described in Regulations 19 and 20.
6. Subject to condition 4, under this declaration rest times totalling a minimum of 8 hours, including one continuous period of 6 hours which must be spent away from the vehicle, unless it is equipped with a sleeper berth complying to Australian Design Rule 42, shall apply in lieu of the minimum rest times described in Regulation 21 for the first of two consecutive Periods 2.
7. Subject to condition 4, under this declaration rest times totalling a minimum of 11.5 hours, including one continuous period of 1.5 hours in addition to one continuous period of 6 hours which must be spent away from the vehicle, unless it is equipped with a sleeper berth complying to Australian Design Rule 42, shall apply in lieu of the minimum rest times described in Regulation 21 for the second of two consecutive Periods 2.
8. Regulations 19, 20 and 21 must be adhered to for any relevant Period 2 immediately preceding and following any two consecutive Periods 2 to which this declaration is applied.
9. The maximum driving times, maximum working times and minimum rest times must be complied with in full for any relevant Periods 3 and 4 of the Regulations.
10. This declaration shall take effect from the date of this publication and shall expire on the date six months following the date of publication of this notice.

This notice may be varied or revoked by further notice published in the *Gazette*.

Dated 14 September 2000.

DIANA LAIDLAW, Minister for Transport and Urban Planning

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 is additional to:
1. the gazettal of 24 April 1996 (page 2045)
 3. the gazettal of 5 December 1996 (page 1818)
 5. the gazettal of 17 April 1997 (page 1571)
 7. the gazettal of 12 June 1997 (page 2984)
 9. the gazettal of 7 August 1997 (page 311)
 11. the gazettal of 22 December 1997 (page 1776)
 13. the gazettal of 18 June 1998 (page 2594)
 15. the gazettal of 24 September (page 990)
 17. the gazettal of 15 October 1998 (page 1150)
 19. the gazettal of 19 November 1998 (page 1583)
 21. the gazettal of 10 December 1998 (page 1870)
 23. the gazettal of 23 December 1998 (page 2039)
 25. the gazette of 25 March 1999 (page 1480)
 27. the gazette of 22 April 1999 (page 2219)
 29. the gazettal of 6 May 1999 (page 2482)
 31. the gazettal of 27 May 1999 (Errata) (page 2723)
 33. the gazettal of 24 June 1999 (page 3261)
 35. the gazettal of 29 July 1999 (page 602)
 37. the gazettal of 14 October 1999 (page 1973)
 39. the gazettal of 6 January 2000 (page 1169)
 41. the gazettal of 6 April 2000 (page 2047)
 43. the gazettal of 4 May 2000 (page 2416)
 45. the gazettal of 15 June 2000 (page 3282) Errata (page 3285)
 47. the gazettal of 6 July 2000 (page 22) Errata (page 24)
 49. the gazettal of 10 August 2000 (page 467)
 2. the gazettal of 31 October 1996 (page 1544)
 4. the gazettal of 6 February 1997 (page 830)
 6. the gazettal of 29 May 1997 (page 2758)
 8. the gazettal of 3 July 1997 (page 33)
 10. the gazettal of 18 December 1997 (page 1677)
 12. the gazettal of 23 April 1998 (page 1959)
 14. the gazettal of 6 August 1998 (page 339)
 16. the gazettal of 1 October 1998 (page 1038)
 18. the gazettal of 12 November 1998 (page 1389)
 20. the gazettal of 3 December 1998 (page 1742)
 22. the gazettal of 17 December 1998 (page 1954)
 24. the gazette of 11 March 1999 (page 1359)
 26. the gazette of 1 April 1999 (page 1605) (Errata)
 28. the gazettal of 29 April 1999 (page 2381) (Errata)
 30. the gazettal of 13 May 1999 (page 2595)
 32. the gazettal of 17 June 1999 (page 3123)
 34. the gazettal of 1 July 1999 (page 22)
 36. the gazettal of 30 September 1999 (page 1364)
 38. the gazettal of 11 November 1999 (page 2327)
 40. the gazettal of 30 March 2000 (page 1921)
 42. the gazettal of 13 April 2000 (Errata) (page 2167)
 44. the gazettal of 18 May 2000 (page 2606) Errata (page 2609)
 46. the gazettal of 29 June 2000 (page 3490)
 48. the gazettal of 20 July 2000 (page 267)
 50. the gazettal of 24 August 2000 (page 643)

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
Changes to courses and conditions determined by ARC for existing Declared Vocations appear in Bold.

| Occupation/Occupation Levels Declared Vocation * Trade # Other than trade | Course code National/ State and expiry date | Approved Course of Instruction and Stream | Nominal Term of Contract of Training | Nominal hours of attendance at approved course | Probationary Period |
|--|---|--|--|--|---|
| # Clerical Processing (Office Administration) ARC September 2000 ARC June 1998 | Endorsed to 23/09/97 to 31/01/01 BSA10197 BSZ10197 | Administration Training Package Certificate I in Business (Office Administration) replaces Certificate I in Business (Office Skills) Certificate II in Business (Office Administration) replaces Certificate II in Business (Office Administration) (Level 2) Certificate III in Business (Office Administration) replaces Certificate III in Business (Office Administration) (Level 3) Certificate IV in Business (Administration) replaces Certificate IV in Business (Administration) Note: People entering at Level 3 may be required to undertake some training in order to gain Level 2 competencies where skill gaps are identified *Up to 140 hours of pre requisite competencies may be added, if required, to the nominal hours for each qualification level. replaces That up to 140 hours of pre requisite competencies may be added, if required to the nominal hours for Certificate II and Certificate III in Business (Office Administration) | Exit point exit point 12 months 12 months 12 months 12 months 12 months 12 months 12 months | *390 hours 390 hours *265-345 hours 265 - 345 hrs *345-360 hours 345 - 360 hrs | 1 month 1 month 1 month 1 month 1 month 1 month |
| ARC June 1997 ARC June 1998 | 3947 NS95/525LFX November 2000 I2319SA CFF December 2001 | Alternate courses of instruction: Certificate II in Arts Administration (Level 2) Certificate III in Business (Real Estate Corporate Support) (Level 3) | 12 months 12 month | 328 hours 580 hours | 1 month 1 month |

| Occupation/Occupation Levels Declared Vocation * Trade # Other than trade | Course code National / State and expiry date | Approved Course of Instruction and Stream | Nominal Term of Contract of Training | Nominal hours of attendance at approved course | Probationary Period |
|---|--|--|--------------------------------------|--|---------------------|
| | Endorsed to 9/4/01 CSC30398 | Corrections Services Training Package Qualification Certificate III in Correctional Practice (Administration/Ancillary) | 12 or 24 months | 385 hours | 1 or 2 months |
| | Endorsed to 30/8/02 | Automotive Industry Retail Service and Repair Training Package | | | |
| | AUR10199 | Alternative Courses of Instruction: Certificate II in Automotive | Exit Point | | |
| ARC June 2000 | AUR20199 | Certificate II in Automotive (Administration – Clerical) | 18 months | 501 hours | 6 weeks |
| ARC December 1999 | AUR20299 | Certificate II in Automotive (Administration – Service Reception) | 18 months | 551 hours | 6 weeks |
| | AUR20399 | Certificate II in Automotive (Administration – Vehicle Financing and Insuring) | 12 months | 351 hours | 1 month |
| | AUR 20499 | Certificate II in Automotive (Administration – Vehicle Financing and Insuring – Loss Assessing) | 12 months | 286 hours | 1 month |
| | AUR 20599 | Certificate II in Automotive (Administration – Vehicle Valuating/Purchasing) | 12 months | 291 hours | 1 month |
| ARC September 2000 | Endorsed from 12/11/99 to 30/11/02 | Public Services Training Package | | | |
| ARC September 2000 | PSP20199 | * Certificate II in Government | 12 months | 160-200 hours | 1 month |
| ARC September 2000 | PSP30199 | * Certificate III in Government | 12 months | 255-350 hours | 1 month |
| ARC September 2000 | PSP40199 | Certificate IV in Government | 24 months | 300-650 hours | 2 months |
| ARC September 2000 | PSP50199 | Diploma of Government | 36 months | 385-705 hours | 3 months |
| ARC September 2000 | PSP60199 | Advanced Diploma of Government | 48 months | 590-1030 hours | 3 months |
| ARC September 2000 | PSP50299 | Diploma of Government (Policy Development) | 36 months | 365-505 hours | 3 months |
| ARC September 2000 | PSP40399 | Certificate IV in Government (Procurement and Contracting) | 24 months | 445-565 hours | 2 months |

* An industrial agreement for a training wage has been negotiated for Certificates II and III only.

| Occupation/Occupation Levels Declared Vocation * Trade # Other than trade | Course code National / State and expiry date | Approved Course of Instruction and Stream | Nominal Term of Contract of Training | Nominal hours of attendance at approved course | Probationary Period |
|---|---|--|--|--|--|
| # Asset Security Operations | Endorsed to 12/3/01 PRS10198 PRS20198 PRS30198 PRS30298 PRS40198 PRS20398 PRS30498 PRS40398 PRS50198 PRS20498 PRS30598 PRS40498 PRS40598 PRS50298 PRS60198 | Asset Security Training Package Qualifications: Certificate I in Security (Sales Support) Certificate II in Security (Guarding) Certificate III in Security (Guarding) Certificate III in Security (Control Room Operations) Certificate IV in Security (Control Room Operations) Certificate II in Security (Access Management) Certificate III in Security (Access Management) Certificate IV in Security (Access Management) Diploma of Security (Access Management) Certificate II in Investigative Services Certificate III in Investigative Services Certificate IV in Investigative Services Certificate IV in Security (Risk Management) Diploma of Security (Risk Management) Advanced Diploma of Security (Risk Management) | exit point 12 months 12 months 12 months 12 months 12 months 12 months 18 months 24 months 12 months 18 months 24 months 18 months 36 months 12 months | 70 hours 250 hours 374 hours 200 hours 236 hours 100 hours 255 hours 465 hours 635 hours 142 hours 322 hours 642 hours 450 hours 830 hours 300 hours | 1 month 1 month 1 month 1 month 1 month 1 month 6 weeks 2 months 1 month 6 weeks 2 months 6 weeks 3 months 1 month 1 month |
| ARC September 2000 | Endorsed from 12/11/99 to 30/11/02 | Note: PRS50298 is a prerequisite for the Advanced Diploma PRS60198 | | | |
| ARC September 2000 | PSP40299 | Public Services Training Package | 24 months | 370-705 hours | 2 months |
| ARC September 2000 | PSP40499 | Certificate IV in Government (Statutory Investigation and Enforcement) | 24 months | 475-555 hours | 2 months |
| ARC September 2000 | PSP40599 | Certificate IV in Government (Fraud Control Investigation) | 24 months | 405-645 hours | 2 months |
| ARC September 2000 | PSP50499 | Certificate IV in Government (Fraud Control Prevention/Detection) | 36 months | 455-505 hours | 3 months |
| ARC September 2000 | PSP50599 | Diploma of Government (Fraud Control Investigation) | 36 months | 455-463 hours | 3 months |
| ARC September 2000 | PSP60699 | Advanced Diploma of Government (Fraud Control Management) | 48 months | 740-880 hours | 3 months |

| Occupation/Occupation Levels Declared # Other than trade | Course code National / State and expiry date | Approved Course of Instruction and Stream | Nominal Term of Contract of Training | Nominal hours of attendance at approved course | Probationary Period |
|---|--|--|--------------------------------------|--|---------------------|
| # Management | | Woolworths Supermarket Enterprise Training Package | | | |
| | Endorsed to 30/11/2002 | | | | |
| ARC December 1999 | ZWA40199 | Certificate IV in Woolworths Management | 36 months (72 months part time) | 349 hours | 3 months |
| | ZWA50199 | Diploma of Woolworths Management | 48 months (72 months part time) | 366 hours | 3 months |
| Declared (ARC) August 1998 | 5437 VI2311AEB Dec 2000 | Certificate III in Small Business Franchising (Bakers Delight) Alternate course of instruction: | 12 months | 550 hours | 1 month |
| ARC June 1999 | 1968 BFX 31 Dec 2002 | Certificate IV in First Line Management | 24 months | 260 hours | 2 months |
| ARC December 1999 | AUR40199 30 Aug 02 | Certificate IV in Automotive (Business Management Stream) | 48 months | 1320 hours | 3 months |
| ARC June 2000 | 7040 QLFM1003 15/07/01 | Certificate III in Frontline Management | 12 months | 240 hours | 1 month |
| ARC June 2000 | 7041 QLFM1004 15/07/01 | Certificate IV in Frontline Management | 24 months | 400 hours | 2 months |
| ARC September 2000 | Endorsed from 12/11/99 to 30/11/02 | Public Services Training Package | | | |
| ARC September 2000 | PSP60299 | Advanced Diploma of Government (Compliance Management) | 48 months | 605-1010 hours | 3 months |
| ARC September 2000 | PSP60399 | Advanced Diploma of Government (Contract Management) | 48 months | 630-970 hours | 3 months |

| Occupation/Occupation Levels Declared Vocation * Trade # Other than trade | Course code National / State and expiry date. | Approved Course of Instruction and Stream | Nominal Term of Contract of Training | Nominal hours of attendance at approved course | Probationary Period |
|--|---|--|--|--|--|
| ARC September 2000 | PSP60499 | Advanced Diploma of Government (Human Resources) | 48 months | 535-700 hours | 3 months |
| ARC September 2000 | PSP50399 | Diploma of Government (Management) | 36 months | 495 hours | 3 months |
| ARC September 2000 | PSP60599 | Advanced Diploma of Government (Management) | 48 months | 630-690 hours | 3 months |
| ARC September 2000 | PSP60699 | Certificate IV in Government (Project Management) | 24 months | 480-640 hours | 2 months |
| ARC September 2000 | PSP50699 | Diploma of Government (Project Management) | 36 months | 505-645 hours | 3 months |
| ARC September 2000 | PSP50799 | Diploma of Government (Financial Management) | 36 months | 425-665 hours | 3 months |
| # Fish Farm Attendant (Aquaculture) Declared ARC March 1998 | 2443 TA1601 13 June 2000 | Certificate II in Aquaculture – Fin Fish | 12 months | 363 hours | 1 months |
| ARC October 1999 | | Streams - Snapper/Fin Fish - Hatchery Operations - Abalone - Barramundi Seafood Industry Training Package | 12 months 12 months 12 months 12 months | 363 hours 361 hours 361 hours 361 hours | 1 month 1 month 1 month 1 month |
| ARC September 2000 | Endorsed from 21/01/00 to 31/01/03 SFI10100 | Certificate I in the Seafood Industry (Aquaculture) * | 6 months | 128-160 hours | 1 month |
| ARC September 2000 | SFI20100 | Certificate II in the Seafood Industry (Aquaculture) * | 12 months | 349-612 hours | 1 month |
| ARC September 2000 | SFI30100 | Certificate III in the Seafood Industry (Aquaculture) * | 24 months | 562-712 hours | 2 months |
| ARC September 2000 | SFI40100 | Certificate IV in the Seafood Industry (Aquaculture) | 36 months | 761-1115 hours | 3 months |
| # Commercial Fishing (Wild Catch) Declared ICTC October 1995 | 3236 SAT51 August 2000 | Certificate I in Commercial Fishing (Wild Catch) - Deckhand (Level I) | 6 months | 209 hours | 2 weeks |

* A National Training Wage is available for these qualifications only.

| Occupation/Occupation Levels Declared Vocation * Trade # Other than trade | Course code National / State and expiry date | Approved Course of Instruction and Stream | Nominal Term of Contract of Training | Nominal hours of attendance at approved course | Probationary Period |
|--|--|--|--|--|--------------------------------------|
| | 3237 SAT52 August 2000 3238 SAT53 August 2000 | Certificate II in Commercial Fishing (Wild Catch) - Coxswain (Level 2) Certificate III in Commercial Fishing (Wild Catch) - Skipper (Level 3) | 12 months 24 months | 315 hours 839 hours | 1 month 2 months |
| ARC September 2000 | Endorsed from 21/01/00 to 31/01/03 | Seafood Industry Training Package | 6 months | 160-205 hours | 1 month |
| ARC September 2000 | SFI10200 | Certificate I in the Seafood Industry (Fishing Operations) * | 12 months | 300-510 hours | 1 month |
| ARC September 2000 | SFI20200 | Certificate II in the Seafood Industry (Fishing Operations) * | 18 months | 505-590 hours | 2 months |
| ARC September 2000 | SFI30200 | Certificate III in the Seafood Industry (Fishing Operations) * | | | |
| | | * A National Training Wage is available for these qualifications only | | | |
| # Marine Engine Driver II | Endorsed from 21/01/00 to 31/01/03 | Seafood Industry Training Package | 15 months Full time or 30 months Part time | 671 hours | 3 months Full time & part time |
| ARC July 2000 ARC September 2000 | SFI30200 | Certificate III in Seafood Industry (Fishing Operations) * | | | |
| | | * A National Training Wage is available for these qualifications only | | | |
| | | A NTW of level 2 is part of Spencer Gulf Mariculture Farmhand (Oyster and Turia) and Wildcatch Trainee Enterprise Agreement 1996, but a training wage may not be available under other awards under which a Marine Engine Driver II may be employed. | | | |
| # Fisheries Compliance Officer Declared ARC November 1998 | 14075SA X660 September 2003 | Certificate III in Fisheries Compliance Officer | 12 months | 404 hours | 1 month |

| Occupation/Occupation Levels Declared Vocation * Trade # Other than trade | Course code National / State and expiry date | Approved Course of Instruction and Stream | Nominal Term of Contract of Training | Nominal hours of attendance at approved course | Probationary Period |
|---|--|---|--------------------------------------|--|---------------------|
| ARC September 2000 | Endorsed from 21/01/00 to 31/01/03 | Seafood Industry Training Package | | | |
| ARC September 2000 | SFI30400 | Certificate III in the Seafood Industry (Fisheries Compliance) * | 12 months | 655-820 hours | 1 month |
| ARC September 2000 | SFI40400 | Certificate IV in the Seafood Industry (Fisheries Compliance) * | 24 months | 900-960 hours | 2 months |
| ARC September 2000 | SFI50400 | Diploma of the Seafood Industry (Fisheries Compliance) | 24 months | 1080-1470 hours | 3 months |
| # Process Worker (Seafood Handling) Declared ARC March 1998 ARC September 2000 | 12426SA SAX569 December 2002 | Certificate II in Seafood Post Harvest Operations | 12 months | 424 hours | 1 month |
| ARC September 2000 | SFI10500 | Seafood Industry Training Package | | | |
| ARC September 2000 | SFI20500 | Certificate I in the Seafood Industry (Seafood Processing) * | 6 months | 140-170 hours | 1 month |
| ARC September 2000 | SFI30500 | Certificate II in the Seafood Industry (Seafood Processing) * | 12 months | 337-655 hours | 1 month |
| ARC September 2000 | SFI20600 | Certificate III in the Seafood industry (Seafood Processing) | 18 months | 425-790 hours | 2 months |
| ARC September 2000 | SFI30600 | Certificate II in the Seafood Industry (Seafood Sales and Distribution) * | 12 months | 378-492 hours | 1 month |
| ARC September 2000 | SFI40600 | Certificate III in the Seafood Industry (Seafood Sales and Distribution) | 18 months | 481-616 hours | 2 months |
| ARC September 2000 | SFI10600 | Certificate IV in the Seafood Industry (Seafood Sales and Distribution) | 24 months | 491-856 hours | 2 months |

* A National Training Wage is available for these qualifications only

REGULATIONS UNDER THE ENVIRONMENT PROTECTION ACT 1993

No. 231 of 2000

At the Executive Council Office at Adelaide 14 September 2000

PURSUANT to the *Environment Protection Act 1993* 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.

IAIN EVANS Minister for Environment and Heritage

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Insertion of reg. 13B
 - 13B. Interpretation
4. Variation of reg. 14—Waste depot levy (Section 113)
5. Variation of reg. 15—Reporting of mass or volume of waste received at depots
6. Insertion of regs. 15A, 15B and 15C
 - 15A. Exemption from weighbridge requirement
 - 15B. Certain depots must have weighbridge
 - 15C. Verification of returns by volumetric survey
7. Variation of reg. 16—Special provision for certain councils for waste fees
8. Substitution of Sched. 4

SCHEDULE 4*Classes of Vehicles and Average Net Mass of Waste for each Class*

9. Transitional provision—Variation of conditions of authorisation (Section 45)

Citation

1. The *Environment Protection (Fees and Levy) Regulations 1994* (see *Gazette* 15 December 1994 p. 2202), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations will come into operation on 1 October 2000.

Insertion of reg. 13B

3. The following regulation is inserted in Part 4 of the principal regulations before regulation 14:

Interpretation

13B. (1) In this Part—

"approved weighbridge" means a weighbridge—

- (a) that is operated in accordance with a licence issued under the *Trade Measurement Act 1993*; or
- (b) that is approved, in writing, by the Authority;

"Metropolitan Adelaide" has the same meaning as in the *Development Act 1993*.

(2) The Authority may approve a weighbridge subject to such conditions as it thinks fit and may vary or revoke an approval at any time.

(3) Without limiting the generality of subregulation (2), the conditions may specify requirements as to—

- (a) maintenance of the weighbridge; and
- (b) certification of the accuracy of the weighbridge.

Variation of reg. 14—Waste depot levy (Section 113)

4. Regulation 14 of the principal regulations is varied—

(a) by striking out from subregulation (1) "received at the depot" and substituting "that is received at the depot for the purpose of being disposed of at the depot";

(b) by striking out paragraph (a) of subregulation (1) and substituting the following paragraph:

- (a) per tonne of solid waste disposed of at the depot—
 - (i) if the depot is situated outside of Metropolitan Adelaide and the waste has been brought to the depot from premises situated outside of Metropolitan Adelaide—0.205 units;
 - (ii) in any other case—0.407 units;;

(c) by striking out subregulation (3).

Variation of reg. 15—Reporting of mass or volume of waste received at depots

5. Regulation 15 of the principal regulations is varied—

(a) by striking out subparagraph (ii) of subregulation (2)(a) and substituting the following subparagraphs:

- (ii) if the depot is situated outside of Metropolitan Adelaide—the total mass (in tonnes) of waste received at the depot from premises situated outside of Metropolitan Adelaide during the whole of that month; and
- (iii) if the mass of any waste received at the depot is determined in accordance with subregulation (5)(a)(ii), the classes of vehicles (as set out in Schedule 4), and the number of vehicles in each of those classes, on or in which that waste was delivered to the depot during each day of that month and during the whole of that month; and;

(b) by striking out the penalty provision at the foot of subregulation (2) and substituting the following:

Maximum penalty: \$2 500.
Expiation fee: \$210.;

(c) by striking out from subregulation (3) "is to be" and substituting "must be";

(d) by inserting at the foot of subregulation (3) the following penalty provision:

Maximum penalty: \$2 500.
Expiation fee: \$210.;

(e) by striking out subregulation (5) and substituting the following subregulation:

(5) The mass of solid waste delivered on or in a vehicle must be determined as follows:

- (a) if the waste is delivered on or in a vehicle described in Schedule 4 as being of class 1, 2 or 3, the mass—
- (i) may be measured by use of an approved weighbridge; or
- (ii) if the mass is not so measured, will be taken to be the average net mass of waste for the relevant class of vehicle as set out in Schedule 4; or
- (b) in any other case, the mass must, subject to regulation 15A, be measured by use of an approved weighbridge.;

(f) by striking out from subregulation (6)(c)(i) "a weighbridge installed at the depot and approved in writing by the Authority" and substituting "an approved weighbridge".

Insertion of regs. 15A, 15B and 15C

6. The following regulations are inserted after regulation 15 of the principal regulations:

Exemption from weighbridge requirement

15A. (1) The Authority may, by notice in writing, exempt the holder of a waste depot licence from regulation 15(5)(b) if satisfied that—

- (a) the depot will receive less than 10 000 tonnes of solid waste for disposal at the depot in each financial year; and
- (b) the depot uses adequate alternative methods of measuring the mass of solid waste received at the depot.

(2) An exemption issued by the Authority under this regulation—

- (a) may be subject to conditions; and
- (b) may be varied or revoked by the Authority, by further notice in writing, at any time.

Certain depots must have weighbridge

15B. (1) Subject to this regulation, if a waste depot has, in a financial year, received 10 000 tonnes or more of solid waste for disposal at the depot, the holder of the waste depot licence must ensure that an approved weighbridge is installed at the depot—

- (a) if the waste was received prior to the commencement of this regulation—within 4 months of the commencement of this regulation; or

- (b) in any other case—within 4 months of the end of the financial year in which the waste was received.

Maximum penalty: \$2 500.
Expiation fee: \$210.

(2) The Authority may, on application by the holder of a waste depot licence within the relevant 4 month period referred to in subregulation (1), extend the period within which an approved weighbridge must be installed at the depot by a further period of 2 months.

(3) The Authority may, on application by the holder of a waste depot licence, exempt the holder of the licence from compliance with subregulation (1) if satisfied that the depot will cease operating within 12 months.

Verification of returns by volumetric survey

15C. (1) If a waste depot has, during the financial year ending 30 June 2001 or any subsequent financial year, received 10 000 tonnes or more of solid waste for disposal at the depot, the holder of the waste depot licence must, within three months of the end of that financial year, provide the Authority with a volumetric survey, prepared by a licensed surveyor, of landfill at the depot.

Maximum penalty: \$2 500.
Expiation fee: \$210.

(2) A volumetric survey provided to the Authority under this regulation must—

- (a) show contour lines at not more than 1 metre intervals; and
(b) have an error margin of not more than 5 per cent.

(3) In this regulation—

"licensed surveyor" means a person who is a licensed surveyor under the *Survey Act 1992*.

Variation of reg. 16—Special provision for certain councils for waste fees

7. Regulation 16 of the principal regulations is varied—

(a) by striking out subregulation (1) and substituting the following subregulation:

(1) This regulation only applies to a council if—

- (a) the whole of the council area is outside of Metropolitan Adelaide; and
(b) all of the waste received for disposal at depots operated by the council has been brought to the depots from premises situated outside of Metropolitan Adelaide; and
(c) each depot operated by the council receives less than 10 000 tonnes of solid waste for disposal at the depot in any financial year.;

(b) by striking out the definition of "P" in subregulation (2)(b) and substituting the following definition:

P is the population of the area of the council as at the previous 30 June as given by the Australian Bureau of Statistics in its publication "Regional Population Growth, Australia" (Catalogue No. 3218.0).

Substitution of Sched. 4

8. Schedule 4 of the principal regulations is revoked and the following Schedule is substituted:

SCHEDULE 4

Classes of Vehicles and Average Net Mass of Waste for each Class

| Class Number | 1 | 2 | 3 |
|---|-------------------------|---|--|
| Class description | Cars and station wagons | Car-type utilities, panel vans and single box axle trailers | Large utilities, large vans and multiple axle trailers |
| Average net mass of solid waste per vehicle | 0.2 tonnes | 0.7 tonnes | 1.3 tonnes |

Transitional provision—Variation of conditions of authorisation (Section 45)

9. The Authority may impose or vary a condition of an environmental authorisation in the form of a waste depot licence granted prior to the commencement of these regulations if satisfied that it is necessary to impose or vary the condition for the proper implementation of Part 4 of the principal regulations as varied by these regulations.

MEH 2/2000 CS

R. DENNIS Clerk of the Council

REGULATIONS UNDER THE ADOPTION ACT 1988

No. 232 of 2000

At the Executive Council Office at Adelaide 14 September 2000

PURSUANT to the *Adoption Act 1988* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of reg 20—Principles governing placement of children for adoption

Citation

1. The *Adoption Regulations 1989* (see *Gazette* 17 August 1989 p. 57), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations will come into operation four months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10aa).

Variation of reg 20—Principles governing placement of children for adoption

3. Regulation 20 of the principal regulations is varied—

(a) by striking out from subregulation (1)(d)(ii) "47" and substituting "50";

(b) by striking out subparagraph (vi) of subregulation (1)(d) and substituting the following subparagraph:

(vi) who is more than 45 years older than the child,.

FAYS 5/2000 CS

R. DENNIS Clerk of the Council

REGULATIONS UNDER THE SEXUAL REASSIGNMENT ACT 1988

No. 233 of 2000

At the Executive Council Office at Adelaide 14 September 2000

PURSUANT to the *Sexual Reassignment Act 1988* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Corresponding laws
6. Applications for recognition certificates
7. Registration of certificates
8. Registers and indexes
9. Regulation of access to reassignment records
10. Periodic returns

SCHEDULE 1*Forms***SCHEDULE 2***Transitional Provision***Citation**

1. These regulations may be cited as the *Sexual Reassignment Regulations 2000*.

Commencement

2. These regulations will come into operation four months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

Revocation

3. The *Sexual Reassignment Regulations 1988* (see *Gazette* 10 November 1988 p. 1723), as varied, are revoked.

Interpretation

4. In these regulations—

"Act" means the *Sexual Reassignment Act 1988*;

"psychiatrist" means a medical practitioner who is registered under the *Medical Practitioners Act 1983*, as a specialist in psychiatry;

"psychologist" means a person who is registered as a psychologist under the *Psychological Practices Act 1973*;

"Minister" means the Minister for the time being administering the *South Australian Health Commission Act 1976*;

"quarter" means a period of three months commencing on 1 January, 1 April, 1 July or 1 October in any year;

"register"—see regulation 8.

Corresponding laws

5. For the purposes of the Act, each of the following laws, as amended or substituted from time to time, is declared to be a corresponding law:

- (a) *Births, Deaths and Marriages Registration Act 1995* of New South Wales;
- (b) *Births, Deaths and Marriages Registration Act 1997* of the Australian Capital Territory;
- (c) *Births, Deaths and Marriages Registration Act 1996* of the Northern Territory.

Applications for recognition certificates

6. (1) An application to a magistrate for the issue of a recognition certificate in respect of a person who has undergone a reassignment procedure must—

- (a) be made in the form set out in Form 1 in Schedule 1; and
- (b) be accompanied by—
 - (i) an affidavit, sworn by a medical practitioner, relating to the reassignment procedure that has been carried out and any associated treatment that has been provided to the person; and
 - (ii) if the application relates to an adult—an affidavit, sworn by a psychiatrist or psychologist, relating to the counselling that the person has received in relation to his or her sexual identity; and
 - (iii) a certified birth certificate; and
 - (iv) a fee of \$50.

(2) A recognition certificate will be in the form set out in Form 2 in Schedule 1.

Registration of certificates

7. For the purposes of section 9(3) of the Act, the prescribed fee is \$31.

Registers and indexes

8. (1) The Registrar must keep a register of reassignments of sex.

(2) The Registrar must keep an index to the register that enables the Registrar to trace the connection between the entries that are made in the register and the entries that are made or altered in any other register or index under section 9(1)(b) of the Act.

(3) Only a relevant person may—

- (a) require that the register, or the index to the register, be searched; or
- (b) obtain a copy of, or extract from—
 - (i) an entry in the register or the index to the register; or

- (ii) an entry in any other register that identifies the person to whom the entry relates as a person whose sex has been reassigned.

(4) If the Registrar issues a copy of, or extract from, an entry in a register or index that has been altered by the Registrar under section 9(1)(b) of the Act, the copy or extract must show the entry as altered.

(5) However, the Registrar may, on the application of a relevant person, issue to the person a copy of, or extract from, an entry in a register or index that shows an alteration under section 9(1)(b) of the Act.

(6) If the Registrar is satisfied that there is an error, omission or misstatement in an entry on the register, the Registrar may correct the entry and make such consequential alterations to any other registers or indexes as the Registrar thinks fit.

(7) In this regulation—

"a relevant person", in relation to an entry in the register, the index to the register or some other register, means—

- (a) the person to whom the entry relates; or
- (b) in the case of an entry relating to a child—the guardian of the child; or
- (c) a person acting under the authority of an order of the Supreme Court.

Regulation of access to reassignment records

9. (1) This regulation applies to the following records kept by a hospital or by a person who carries out, or proposes to carry out, a reassignment procedure or who provides, or proposes to provide, associated treatment:

- (a) records relating to the mental condition of a person who proposes to undergo, is undergoing, or has undergone a reassignment procedure;
- (b) records relating to the personal circumstances or lifestyle of such a person;
- (c) records relating to the procedures or treatment that such a person is to undergo, is undergoing, or has undergone.

(2) A person must not inspect, copy or remove a record (or any part of a record) to which this regulation applies unless—

- (a) the person is the person to whom the record relates; or
- (b) in the case of a record that relates to a child—the person is the guardian of the child; or
- (c) the person is acting with the consent of the person to whom the record relates or, in the case of a record that relates to a child, the person is acting with the consent of the guardian of the child; or
- (d) the person is a medical practitioner or other person who is treating the person to whom the record relates; or

- (e) the person is acting under the authority of a medical practitioner who is treating the person to whom the record relates; or
- (f) the person is acting in the course of official duties as an officer or member of the staff of the hospital or other place where the record is being kept; or
- (g) the person is acting in the course of official duties as an officer or employee of the administrative unit of the Public Service for which the Minister is responsible; or
- (h) the person is acting under the authority of the Minister for research purposes; or
- (i) the person is acting under the authority of the Medical Board established under the *Medical Practitioners Act 1983*; or
- (j) the person is acting in the course of official duties as a member of a law enforcement or prosecution authority of the State; or
- (k) the person is acting under an authority given by a court or tribunal constituted by law; or
- (l) the person is a magistrate authorised under the Act to issue recognition certificates, or is a person acting under the authority of such a magistrate; or
- (m) the person is otherwise authorised to inspect, copy or remove the record under any Act or law.

Maximum penalty: \$2 000.

Periodic returns

10. (1) If a person undergoes a reassignment procedure, or part of a reassignment procedure, or receives any associated treatment at a hospital, the hospital must, within one month of the end of the quarter in which the procedure or treatment occurs, provide, in a confidential manner, the following information to the Minister in the form of a return approved by the Minister:

- (a) the name of the person concerned; and
- (b) details of the procedure or treatment; and
- (c) the name of any medical practitioner or other person who carried out or supervised the procedure or treatment; and
- (d) details of any counselling or other services that were provided in association with the procedure or treatment; and
- (e) an assessment, as at the end of that quarter, of the stage that has been reached in the person's treatment; and
- (f) any other information required as a condition of approval under section 6 of the Act.

(2) A person must not inspect, copy or remove a return (or a copy of a return) prepared for the purposes of subregulation (1) unless—

- (a) the person is a medical practitioner or other person who is treating the person to whom the return relates; or

- (b) the person is acting under the authority of a medical practitioner who is treating the person to whom the return relates; or
- (c) the person is acting in the course of official duties as an officer or member of the staff of the particular hospital; or
- (d) the person is acting in the course of official duties as an officer or employee of the administrative unit of the Public Service for which the Minister is responsible; or
- (e) the person is acting under the authority of the Minister.

Maximum penalty: \$2 000.

SCHEDULE 1

Forms

FORM 1

Application for issue of recognition certificate under the Sexual Reassignment Act 1988

Name of applicant

Address of applicant

If the application is being made on behalf of a child—Name of child

Name and address of hospital or hospitals at which the relevant reassignment procedure(s) was/were carried out:
.
.
.
.
.

Place and date of birth of applicant or, if the application is being made on behalf of a child, of the child:
.

Date

Signed

Address to be used for the purposes of this application
.
.

NOTE

This application must be accompanied by—

- an affidavit, sworn by a medical practitioner, relating to the reassignment procedure that has been carried out and any associated treatment that has been provided to the person to whom the application relates; and
- if the application relates to an adult—an affidavit, sworn by a psychiatrist or psychologist, relating to the counselling that the person has received in relation to his or her sexual identity; and
- a certified birth certificate; and
- the fee prescribed under the *Sexual Reassignment Regulations 2000*.

FORM 2

Recognition Certificate under the Sexual Reassignment Act 1988

Name of person to whom this certificate relates

I find—

*that the person named above has undergone a reassignment procedure in South Australia

or

*that the birth of the person named above is registered in South Australia

(General Register of Births Book No., Page No.).

I am satisfied that the person named above is entitled to a recognition certificate under the *Sexual Reassignment Act 1988*.

I CERTIFY that is of the sex.

DATED this day of 20

.....
A Magistrate authorised to issue recognition certificates under the *Sexual Reassignment Act 1988*.

SCHEDULE 2
Transitional Provision

Transitional provision

The Register of Reassignments of Sex maintained under the *Sexual Reassignment Regulations 1988*, revoked by these regulations, forms part of the register under these regulations.

AG 7/97 CS

R. DENNIS Clerk of the Council

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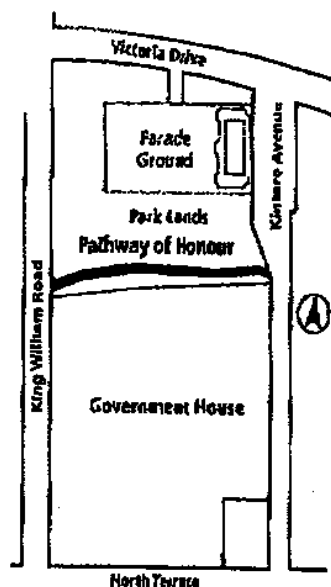
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CITY OF ADELAIDE

Naming of a Pathway in the Parklands

NOTICE is hereby given that pursuant to section 219 of the Local Government Act 1999, the council has assigned the name Pathway of Honour to the pathway in the parklands on the northern side of Government House as shown on the attached plan.



J. HARRY, Acting Chief Executive Officer

CITY OF CHARLES STURT

Declaration of Public Road

NOTICE is hereby given that the City of Charles Sturt will make the following declaration at its meeting to be held on Monday, 22 January 2001:

Pursuant to section 210 of the Local Government Act 1999, the City of Charles Sturt declares that the private road known as Crawford Lane and more particularly defined as Lot 91 in Filed Plan 21296 and being the land in the estate of Nathaniel Oldham as Manager of the Union Bank of Australia in G.R.O. Memorial No. 283, Book 158 be public road.

S. LAW, Chief Executive Officer

CITY OF MOUNT GAMBIER

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that at a meeting held on Thursday, 27 July 2000 the council made and passed the following resolutions:

Adoption of Valuation

Pursuant to the powers contained in section 167 (2) (a) and section 151 (3) (a) of the Local Government Act 1999, the council adopts for rating purposes for the 2000-2001 financial year, the Valuer-General's valuations of the site values applicable to land within the area of the council, totalling \$329 190 337 and that the date of adoption of the valuations is 27 July 2000.

The said valuations are deposited at the Council Office, 10 Watson Terrace, Mount Gambier and may be inspected between the hours of 9 a.m. and 5 p.m., Monday to Friday.

Declaration of Differential General Rates

Pursuant to the powers contained in section 153 (1) (b) of the Local Government Act 1999, it is appropriate pursuant to section 156 (1) (b) and section 156 (7) (a) of the Act to declare differential general rates for the 2000-2001 financial year and the terms of such declaration are as follows:

- (a) that differential general rates are declared for the year ending 30 June 2001 on the assessed site valuation of all rateable property within the area of the council, the said differential general rates to vary by reference to the locality in which the rateable property is situated;
- (b) that for the purposes of section 156 (7) of the Act, council hereby resolves that the 'locality' differentiating factor for the basis of differential general rates shall be according to the 'zone' in which the land is situated and in this context 'zone' means an area defined as a zone, precinct or locality by a Development Plan under the Development Act 1993;
- (c) that the said differential general rates shall be and are hereby declared as follows:
 - (i) in respect of such rateable property which is located within the City Centre Zone (CCe) and within the Authorised Mount Gambier (City) Development Plan Maps MtG(C)/8 and MtG(C)/9 a differential general rate of 2.82 cents in the dollar on the assessed site valuation of such rateable property;
 - (ii) in respect of such rateable property which is located within all other Zones and Policy Areas and which are Zoned as Residential, Local Shopping, Commercial, Commerce/Industry, Light Industry, General Industry, Recreation, Public Purposes (Rail Transport), Industry (Enterprise), Lakes, Residential (Industry Transition), Rural (Deferred Industry), Public Purposes (Show Grounds), Country Living, and the following Policy Areas being Residential Policy Areas (vis. 1. Northern Residential Policy Area and 2. Eastern Residential Policy Area), Residential Local Heritage Policy Areas, City Centre Local Heritage Policy Areas, Railway (Commercial) Local Heritage Policy Area, Commercial Local Heritage Policy Areas and contained within the Authorised Mount Gambier (City) Development Plan, Maps MtG(C)/3 to 18 inclusive, and all being within the area of the City of Mount Gambier, a differential general rate of 1.91 cents in the dollar on the assessed site valuation of such rateable property.

Declaration of a Minimum Amount

Pursuant to the powers contained in section 158 (1) (a) of the Local Government Act 1999, the council hereby fixes in respect of the 2000-2001 financial year a minimum amount of rates payable by way of a differential general rate on rateable land within the area of the City of Mount Gambier in the sum of \$410.

Declaration of Separate Rate

Pursuant to the powers contained in section 138 of the Water Resources Act 1997 and section 154 of the Local Government Act 1999, in order to reimburse to the council the amount contributed to the South East Catchment Water Management Board, a separate rate of \$8.60 per site be declared on all rateable land in the council's area in the catchment area of the said Board based on a fixed levy of the same amount on all rateable land.

Payment of Council Rates

Pursuant to the powers contained in section 181 of the Local Government Act 1999, the council declares that rates and charges payable in respect of the 2000-2001 financial year, are payable in a single instalment.

Dated 28 July 2000.

G. MULLER, Chief Executive Officer

CITY OF SALISBURY

*Ann Street Precinct—Salisbury Town Centre—
Draft for Public Consultation*

NOTICE is hereby given that the City of Salisbury has prepared a draft Plan Amendment Report to amend the City of Salisbury Development Plan. The affected area embraces properties on the southern side of Park Terrace, between Mawson Road and Brown Terrace, and is bounded by Commercial Road to the east and the northern boundary of Policy Area 5 of the Salisbury Town Centre.

The draft Plan Amendment Report proposes to amend the City of Salisbury Development Plan by expanding the current District Centre Zone and Salisbury Town Centre Policy Area 3 to recognise the existing activities, while encouraging complementary office type uses.

The draft Plan Amendment Report will be available for public inspection during normal office hours at the City of Salisbury, Council Office, 12 James Street, Salisbury, S.A. 5108, from 14 September 2000 to 16 November 2000. The draft Plan Amendment Report can also be down-loaded from Council's web-site www.salisbury.sa.gov.au

Written submissions regarding the draft Plan Amendment Report will be accepted by the Salisbury Council, until Thursday, 16 November 2000. Written submission should also clearly indicate whether you wish to speak at the public hearing on your submission. All submissions should be addressed to Stephen Hains, City Manager, 12 James Street, Salisbury, S.A. 5108 (attention: Grazio Maiorano).

Copies of all written submissions received will be available for public inspection at the City of Salisbury Offices, 12 James Street, Salisbury, S.A. 5108, from 16 November 2000 until 4 December 2000.

A public hearing will be held at the City of Salisbury Council Office at 6:30 p.m. on Monday, 4 December 2000. The public hearing may not be held if no submission indicates an interest in speaking at the public hearing.

Dated 14 September 2000.

S. HAINS, City Manager

CITY OF UNLEY

Exclusion of Land from Classification as Community Land

NOTICE is hereby given that pursuant to section 193 (4) (a) of the Local Government Act 1999, council resolved at its meeting held on 27 March 2000, that the land recently purchased and described as C.T. 5511/894, 31 Rosa Street, Goodwood, S.A. 5034, be excluded from classification as Community Land.

R. J. GREEN, Chief Executive Officer

CITY OF VICTOR HARBOR

Exclusion from Classification as Community Land

NOTICE is hereby given, that at a council meeting held on 10 August 2000, council resolved pursuant to section 193 (1) (a) of the Local Government Act 1999, to exclude the following parcels of land from classification as Community Land:

- C.T. 5622/732 Lot 37, 6 Manly Grove, Victor Harbor
- C.T. 5194/209 Lot 217, 17 Laxton Street, Victor Harbor
- C.T. 5751/728 Lot 356, Solway Crescent, Victor Harbor

G. K. MAXWELL, City Manager

DISTRICT COUNCIL OF RENMARK PARINGA

Change of Meeting Date

NOTICE is hereby given that as per Resolution No. GC 255/00 passed in the General Council meeting on 29 August 2000, the General Purposes Committee meeting for October scheduled for 17 October 2000, will be cancelled. The General Council meeting for October will be held on Tuesday, 24 August 2000 at 7.30 p.m. at the Council Chambers, Ral Ral Avenue, Renmark, which will also include all business of the General Purposes Committee meeting.

DR A. KHAN, Chief Executive Officer

SOUTHERN MALLEE DISTRICT COUNCIL

Temporary Part Road Closure

NOTICE is hereby given that council, pursuant to section 359 of the Local Government Act 1934, as amended, resolved at the council meeting held on 9 August 2000, to temporarily close to all vehicular traffic, except authorised vehicles the western side lane of Chandos Terrace, Lameroo between Railway Terrace South to Vardon Terrace, Lameroo between the hours of 1 p.m. and 5 p.m. on Sunday, 15 October 2000. The purpose of the temporary part road closure relates to the Official Opening of the Lameroo Craft and Heritage Centre.

P. WOOD, Chief Executive Officer

DISTRICT COUNCIL OF STREAKY BAY

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that the District Council of Streaky Bay at a meeting held on Wednesday, 23 August 2000, resolved that in exercise of the powers contained in Chapter 10 of the Local Government Act 1999, (the 'Act') and in respect of the financial year ending 20 June 2001:

Adoption of Budget

The Budget for that year as laid before the council at this meeting, which consists of:

- the budgeted statement of financial position;
- the budgeted operating statement;
- the budgeted cash flow statement; and
- the budgeted statement as to the basis for the determination of rates,

be adopted, involving:

- (a) a total estimated expenditure of \$3 574 169;
- (b) a total estimated income from sources other than rates of \$2 435 460; and
- (c) a total amount required to be raised from rates of \$961 909.

Adoption of Valuation

The most recent valuations of the Valuer-General available to the council of the site value of land within the council's area be adopted, totalling \$60 987 800 for rateable land, and \$3 196 620 for non-rateable land.

Attribution of Land Uses

1. The numbers indicated against the various categories of land use prescribed by the Local Government (General) Regulations 1999 (the 'regulations'), be used to designate land uses in the Assessment Book.

2. The use indicated by those numbers in respect of each separate assessment of land described in the Assessment Book on this date be attributed to each such assessment respectively.

3. Reference in this resolution to land being of a certain category use means the use indicated by that category number in the Regulations.

Declaration of Rates

In order to raise the amount as indicated above that is required to be raised from rates the council declares differential rates on the basis of locality and land use as follows:

- (1) (a) in the township of Sceale Bay, 0.888 cents in the dollar of the site value of rateable land;
 - (b) in the township of Baird Bay, 0.888 cents in the dollar of the site value of rateable land;
 - (c) in the township of Haslam, 0.888 cents in the dollar of the site value of rateable land;
 - (d) in the township of Wirrulla, 9.9 cents in the dollar of the site value of rateable land;
 - (e) in the township of Poochera, 9.9 cents in the dollar of the site value of rateable land;
 - (f) in the township of Cungenena:
 - (i) 9.9 cents in the dollar of the site value of rateable land of categories 1-3 and 5-9 use;
 - (ii) 30.0 cents in the dollar of the site value of rateable land of 4 uses;
 - (g) in the township of Streaky Bay:
 - (i) 1.96 cents in the dollar of the site value of rateable land of categories 1, 8 and 9 use;
 - (ii) 2.7 cents in the dollar of the site value of rateable land of categories 2 to 6 use;
 - (iii) 0.909 cents in the dollar of the site value of rateable land of category 7 use;
 - (h) in respect of holiday house zones as identified in Councils Development Plan:
 - (i) 0.8 cents in the dollar of the site value of rateable land of category 1 use;
 - (i) in respect of the Silo zone as identified in council's Development Plan:
 - (i) 30.0 cents in the dollar of the site value of rateable land of category 4 use;
 - (j) in respect of all other land for the council area:
 - (i) 0.888 cents in the dollar of the site value of rateable land of category 1 use;
 - (ii) 30.0 cents in the dollar of the site value of rateable land of category 4 use;
 - (iii) 0.909 cents in the dollar of the site value of rateable land of category 7 use,
 including Aquaculture Park Zone, as identified in council's Development Plan:
 - (iv) 0.888 cents in the dollar of the site value of rateable land of other category uses.
- (2) A fixed charge component of the general rate of \$250 be imposed in relation to each assessment of rateable land in the area in accordance with section 152 of the Act.

STEDS Charges

The Septic Tank Effluent Disposal System charges applicable to land benefiting from the Septic Tank Effluent Disposal Schemes within the township of Streaky Bay are as follows:

- (1) *Stage 1*
 - (a) Scheme 3—\$75 per unit;
 - (b) Scheme 4—\$105 per unit;
 - (c) Scheme 5—\$110 per unit.
- (2) *Stage 2*
\$151 per unit.

- (3) An additional annual charge of \$39 for vacant allotments and \$59 per unit for occupied allotments apply in respect of all land benefiting from both Stages of STEDS.

- (4) 'Unit' being as set out in the document entitled 'Determination of Service Charges—Septic Tank Effluent Disposal Schemes' issued by the STEDS Advisory Committee and dated 1 September 1992.

Payment

1. All rates be payable in a single instalment (unless otherwise agreed with the principal ratepayer) by 31 October 2000, provided that in cases where the initial account requiring payment of rates is not sent at least 60 days prior to this date, or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect to those assessments affected is hereby delegated to the General Manager.

2. The General Manager be authorised to enter into agreements with principal ratepayers for the payment of rates in four instalments in any case where he considers it necessary or desirable to do so.

That in respect of Applications for Payment of Rates by instalments, a charge of 1% interest will apply on all amounts approved for payment by instalment.

3. Written applications for instalments received prior to 18 October 2000, will be approved on the basis of four approximately equal instalments payable by 31 October 2000, 30 November 2000, 5 January 2001 and 7 February 2001.

4. In recognition of the current economic climate council will, pursuant to section 182 of the Local Government Act 1999, postpone payment of rates for ratepayers who produce written confirmation of financial hardship, prior to 18 October 2000, from a Rural Counsellor. Such postponement will be until 7 February 2001, and be on the condition that if all rates are not paid by this date then the ratepayer will be liable for interest incurred since 31 October 2000.

D. J. LANE, Chief Executive Officer

DISTRICT COUNCIL OF STREAKY BAY

Results of Supplementary Election

EYRE Ward (one vacancy—quota 240 votes):

| First Preference | Votes |
|---------------------------|-------------|
| Kemp, Trevor Dudley | 267 elected |
| Baker, Lisa | 212 |
| Informal | 1 |
| Total | 480 |

J. RUMBELOW, Deputy Returning Officer

DISTRICT COUNCIL OF YORKE PENINSULA

Temporary Road Closures

NOTICE is hereby given pursuant to section 359 of the Local Government Act 1934, as amended, that council has granted approval for the temporary closing of the following streets:

Fifth Street, Ardrossan—between 8.30 a.m. and 5.30 p.m. on Saturday, 23 September 2000, between Second and Third Streets while the Ardrossan Community Hospital Fete is taking place; and

Main Street, Minlaton—between 9.30 a.m. and 10.30 a.m. on Thursday, 14 September 2000, between South and North Terrace on the western side of the Main Street while the opening of the Mini Olympics for the Minlaton District School is taking place.

S. P. GRIFFITHS, Chief Executive Officer

IN the matter of the estates of the undermentioned deceased persons:

- Allan, Jodie Ann*, late of 13 Dimboola Street, Taperoo, home duties, who died on 16 May 2000.
- Bayliss, Joyce Sheila*, late of Fosters Road, Oakden, widow, who died on 18 July 2000.
- Boscombe, Irene May*, late of 6 Allen Avenue, Brooklyn Park, home duties, who died on 15 August 2000.
- Branford, Olive May*, late of 324 Military Road, Semaphore Park, widow, who died on 14 July 2000.
- Case, Mary Margaret*, late of 14 Charles Street, Valley View, home duties, who died on 8 August 2000.
- Farrelly, Dorothy May*, late of 102 Churchill Road, North Dry Creek, home duties, who died on 16 July 2000.
- Hogan, Judith Ann*, late of 17 Hill Street, Kingswood, retired house person, who died on 3 July 2000.
- Lysenko, Constantin*, late of 58 Carbenet Drive, Hackham, retired carpenter, who died on 3 August 2000.
- March, Kevin Philby*, late of 62 Main Road, McLaren Flat, retired dispatch clerk, who died on 2 July 2000.
- Moir, Maureen Margaret*, late of 68 Clara Street, Wallaroo, widow, who died on 5 July 2000.
- Muller, Cecil Edwin Angus*, late of 430 Morphett Street, Adelaide, retired welder, who died on 9 July 2000.
- Skitch, Mervyn Vivian Murray*, late of 297 Goodwood Road, Kings Park, retired public servant, who died on 18 June 2000.
- Swift, Marjorie*, late of 39 Findon Road, Woodville South, widow, who died on 1 July 2000.
- Wait, Howard Sydney*, late of 86 Fenton Avenue, Christies Beach, retired cook, who died on 16 April 1996.
- Weston, Muriel Doris Lilian*, late of 3 Woodcock Place, Morphett Vale, home duties, who died on 14 July 2000.
- White, Audrey Joan*, late of 20 Norseman Avenue, Westbourne Park, of no occupation, who died on 19 July 2000.

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 5000, full particulars and proof of such claims, on or before 13 October 2000, 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 14 September 2000.

J. H. WORRALL, Public Trustee

IN the matter of the estate of the undermentioned deceased person:

- Oliver, Lois Margaret*, late of 377 Grange Road, Findon, widow, who died on 4 August 2000.

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 above estate are directed to send full particulars and evidence of such claims to the undersigned on or before 13 October 2000, 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 above estate are required to pay the amount of their debts to the undersigned or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estate are forthwith to deliver the same to the undersigned.

ANZ EXECUTORS & TRUSTEE COMPANY
LIMITED (ACN 006 132 332), 530 Collins
Street, Melbourne, Vic. 3000.

SOUTH AUSTRALIA—In the Supreme Court. No. 799 of 2000.
In the matter of Fred Wakefield Pty Ltd (ACN 000 632 233).

Notice of Application for Winding Up Order

A proceeding for the winding up of Fred Wakefield Pty Ltd was commenced by the plaintiff on 28 August 2000, and will be heard by the Supreme Court of South Australia at the Supreme Courthouse, 1 Gouger Street, Adelaide, S.A. 5000 at 2.15 p.m. on 3 October 2000. Copies of documents filed may be obtained from the plaintiff's address for service.

The plaintiff's address for service is Bonnins, Lawyers, Level 14, 100 King William Street, Adelaide, S.A. 5000. Telephone: (08) 8231 0360.

Any person intending to appear at the hearing must file a notice of appearance in accordance with the prescribed form together with any affidavit on which the person intends to rely and serve a copy of the notice and any affidavit on the plaintiff at the plaintiff's address for service at least three days before the date fixed for the hearing.

Dated 14 September 2000.

BONNINS, Lawyers, Level 14, 100 King William
Street, Adelaide, S.A. 5000, solicitors for
the plaintiff.

SOUTH AUSTRALIA—In the Supreme Court. No. 811 of 2000.
In the matter of Specialty Coatings Pty Ltd (ACN 000 666 999).

Notice of Application for Winding Up Order

A proceeding for the winding up of Specialty Coatings Pty Ltd was commenced by the plaintiff on 30 August 2000, and will be heard by the Supreme Court of South Australia at the Supreme Courthouse, 1 Gouger Street, Adelaide, S.A. 5000 at 2.15 p.m. on 3 October 2000. Copies of documents filed may be obtained from the plaintiff's address for service.

The plaintiff's address for service is Bonnins, Lawyers, Level 14, 100 King William Street, Adelaide, S.A. 5000. Telephone: (08) 8231 0360.

Any person intending to appear at the hearing must file a notice of appearance in accordance with the prescribed form together with any affidavit on which the person intends to rely and serve a copy of the notice and any affidavit on the plaintiff at the plaintiff's address for service at least three days before the date fixed for the hearing.

Dated 14 September 2000.

BONNINS, Lawyers, Level 14, 100 King William
Street, Adelaide, S.A. 5000, solicitors for
the plaintiff.

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