

South Australia

## Livestock (Restrictions on Entry of Aquaculture Stock) Notice 2008

under sections 33 and 87 of the *Livestock Act 1997*

### 1—Short title

This notice may be cited as the *Livestock (Restrictions on Entry of Aquaculture Stock) Notice 2008*.

### 2—Commencement

This notice will come into operation on date of gazettal.

### 3—Interpretation

In this notice, unless the contrary intention appears—

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

*aquaculture* has the same meaning as in the *Aquaculture Act 2001*

*Aquaculture Minister* means the Minister responsible for the administration of the *Aquaculture Act 2001*;

*aquaculture stock* means aquatic organisms intended for aquaculture;

*aquatic organism* has the same meaning as in the *Aquaculture Act 2001* (except that it excludes organisms that are not animals);

*designated pacific oyster supplier* means any of the following persons who hold a current authority to engage in aquaculture issued under the law of another State or a Territory of the Commonwealth:

- (a) Cameron of Tasmania Pty. Ltd. (ACN 009 579 168);
- (b) an entity trading as Geordy River Aquaculture in Tasmania;
- (c) Shellfish Culture Ltd. (ACN 009 519 171);

*exotic finfish* means finfish that are not native to South Australian waters;

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

*flood plain* means the area known as the 1956 River Murray Flood Plain or a Flood Zone, Flood Plain or other zone or area shown as subject to flooding in a Development Plan under the *Development Act 1993*;

*Lake Eyre Basin Agreement Area* has the same meaning as in the Agreement in the *Lake Eyre Basin (Intergovernmental Agreement) Act 2001*;

*licence area* means the area of an aquaculture licence issued under the *Aquaculture Act 2001* (as described on the public register kept under that Act);

**Murray-Darling basin** has the same meaning as in the Agreement in the *Murray-Darling Basin Act 1993*;

**native freshwater finfish** means freshwater finfish native to South Australian waters;

**Note—**

See Robinson, AC, Casperson KD and Hutchinson, MN, *A list of the Vertebrates of South Australia* published by the Department for Environment and Heritage, South Australia (2000)

**prescribed marine or freshwater finfish** means fish of any of the following species:

*Lates calcarifer* (barramundi)

*Macquaria colonorum* (estuary perch)

*Macquaria novemaculeata* (Australian bass)

*Oxyeleotris lineolatus* (sleepy cod)

*Tandanus tandanus* (eel tailed catfish)

**protected finfish** means—

- (a) finfish that are a protected species under the *Fisheries Management Act 2007*;
- (b) finfish that are an endangered species or vulnerable species under the *National Parks and Wildlife Act 1972*;

**semi-closed system** means a system of aquaculture involving control of the movement of aquatic organisms and incomplete ability to sterilise water used for aquaculture (for example, ponds or races);

**semi-open system** means a system of aquaculture involving control of the movement of aquatic organisms but no control over the flow of water used for aquaculture (for example, nets or pens in the sea);

**sterilised seawater** means seawater filtered through a 5 micrometre filter and then—

- (a) treated with ultraviolet radiation at a level of at least 25 000 microwatt seconds per square centimetre; or
- (b) chlorinated with at least 2% available chlorine for at least 10 minutes; or
- (c) ozonized at a level of at least 0.2 milligrams per litre for at least 4 minutes.

#### **4—Documentation for tracing aquaculture stock**

Aquaculture stock must not enter the State, or a licence area, unless accompanied by documentation issued by the supplier of the aquatic organisms specifying—

- (a) the name and address of the supplier of the aquatic organisms; and
- (b) the species of aquatic organisms; and
- (c) the number or biomass of the aquatic organisms; and
- (d) the age or developmental stage of the aquatic organisms; and

- (e) if the aquatic organisms have been hatchery reared—details identifying the last place at which the organisms were reared before consignment; and
- (f) if the aquatic organisms have been taken from the wild—details identifying the area from which the organisms have been taken; and
- (g) the intended destination of the aquatic organisms.

### **5—Introduction of aquaculture stock hatchery reared or taken in the State**

- (1) Aquaculture stock comprised of abalone that have been hatchery reared in South Australia or taken from South Australian waters must not enter a licence area that is below astronomical low tide level unless—
  - (a) if there is a population of wild abalone within an area surrounding the licence area and extending out 1 kilometre from the boundary of the licence area, the abalone are the descendants of broodstock abalone collected from within that area surrounding the licence area; and
  - (b) in any case, either—
    - (i) the abalone are accompanied by a certificate that complies with subclause (2), the abalone enter the licence area within 14 days after the day or the last day (as the case requires) on which stock were examined for the purposes of the certificate and at least 2 days before the abalone enter the licence area the Aquaculture Minister has been provided with a copy of the certificate; or
    - (ii) the prior written approval of the Minister has been obtained and any conditions of the approval complied with.
- (2) For the purposes of subclause (1), the certificate—
  - (a) must be in a form approved by the Minister; and
  - (b) must be issued—
    - (i) by a veterinary diagnostic laboratory accredited by the National Association of Testing Authorities; and
    - (ii) following examination of the following number of animals:
      - (A) if there are less than 10 000 abalone in the consignment—at least 30 abalone;
      - (B) if there are 10 000 or more abalone but less than 100 000 abalone in the consignment—at least 60 abalone;
      - (C) if there are more than 100 000 abalone in the consignment—at least 150 abalone; and
  - (c) must certify that the required number of abalone were examined on a specified day or days and that the abalone examined were not affected with a notifiable disease and did not display signs of being affected with a disease.

- (3) Aquaculture stock comprised of protected finfish, or native freshwater finfish, that have been hatchery reared in South Australia must not enter a licence area that is in a flood plain or in which aquaculture is carried on by means of a semi-closed or semi-open system unless—
- (a) the finfish are the descendants of broodstock from the water catchment areas for the licence area; and
  - (b) the Aquaculture Minister has been given at least 2 days written notice of the proposed entry of the finfish; and
  - (c) in the case of native freshwater finfish entering a licence area in the Murray-Darling basin—the finfish are Murray-Darling species and strains; and
  - (d) in the case of native freshwater finfish entering a licence area in the Lake Eyre Agreement Area—the finfish are Cooper Creek species and strains.
- (4) Aquaculture stock comprised of protected finfish, or native freshwater finfish, that have been taken from South Australian waters (and not hatchery reared) must not enter a licence area that is in a flood plain or in which aquaculture is carried on by means of a semi-closed or semi-open system unless the prior written approval of the Minister has been obtained and any conditions of the approval complied with.
- (5) Aquaculture stock comprised of prescribed marine or freshwater finfish that have been hatchery reared in South Australia must not enter a licence area in which aquaculture is carried on by means of a semi-closed or semi-open system unless—
- (a) —
    - (i) the fish are accompanied by a certificate—
      - (A) that is in a form approved by the Minister; and
      - (B) that has been issued—
        - by a veterinary diagnostic laboratory accredited by the National Association of Testing Authorities; and
        - following examination of at least 150 animals in the consignment; and
      - (C) certifying that the required number of fish were examined on a specified day or days and that the fish examined were not affected with a notifiable disease; and
    - (ii) the fish enter the licence area within 7 days after the day or the last day (as the case requires) on which stock were examined for the purposes of the certificate; and
    - (ii) the Aquaculture Minister has been given at least 2 days written notice of the proposed entry of the fish; or
  - (b) the prior written approval of the Minister has been obtained and any conditions of the approval complied with.

- (6) Aquaculture stock comprised of prescribed marine or freshwater finfish that have been taken from South Australian waters (and not hatchery reared) must not enter a licence area in which aquaculture is carried on by means of a semi-closed or semi-open system unless the prior written approval of the Minister has been obtained and any conditions of the approval complied with.
- (7) Aquaculture stock comprised of salmonids, or exotic finfish, that have been hatchery reared in South Australia or taken from South Australian waters must not enter a licence area unless the prior written approval of the Minister has been obtained and any conditions of the approval complied with.

#### **6—Introduction of aquaculture stock hatchery reared or taken outside the State**

- (1) Aquaculture stock that has been hatchery reared outside South Australia or taken in waters other than South Australian waters must not enter the State unless the prior written approval of the Minister has been obtained and any conditions of the approval complied with.
- (2) Aquaculture stock that has been hatchery reared outside South Australia or taken in waters other than South Australian waters must not enter a licence area unless—
  - (a) subclause (3), (4) or (5) applies and the requirements set out in the applicable subclause are complied with; or
  - (b) the prior written approval of the Minister has been obtained and any conditions of the approval complied with.
- (3) Aquaculture stock comprised of finfish that have been hatchery reared outside South Australia or taken in waters other than South Australian waters may enter a licence area if—
  - (a) the fish are accompanied by a certificate—
    - (i) that is in a form approved by the Minister; and
    - (ii) that has been issued—
      - (A) by a veterinary diagnostic laboratory accredited by the National Association of Testing Authorities; and
      - (B) following examination of—
        - in the case of prescribed marine or freshwater finfish—at least 150 fish in the consignment; and
        - in the case of other freshwater finfish—at least 30 fish in the consignment; and
    - (iii) that certifies that the required number of fish were examined on a specified day or days and that the fish examined were not affected with a notifiable disease and did not display signs of being affected with a disease; and
  - (b) the fish enter the licence area within 14 days after the day or the last day (as the case requires) on which stock were examined for the purposes of the certificate; and

- (c) at least 2 days before the fish enter the licence area the Aquaculture Minister has been provided with a copy of the certificate referred to in paragraph (a).
- (4) Aquaculture stock comprised of pacific oyster (*Crassostrea gigas*) spat that have been hatchery reared by a designated pacific oyster supplier may enter a licence area if the spat is accompanied by a certificate—
- (a) that is in a form approved by the Minister; and
  - (b) that has been issued by the designated pacific oyster supplier; and
  - (c) that certifies—
    - (i) that the spat have been reared in a manner that achieves shell drying for at least 4 hours out of each 24 hour period; and
    - (ii) that, since being harvested for consignment, the spat—
      - (A) have been immersed in freshwater for a continuous period of at least 12 hours; and
      - (B) have been depurated in sterilised seawater for a continuous period of at least 12 hours; and
    - (iii) that, within 4 days before consignment, the spat have been passed through a mesh screen to ensure that they are no larger than 15 millimetres in any dimension.
- (5) Aquaculture stock comprised of *Anguilla* species that have been hatchery reared outside South Australia or taken in waters other than South Australian waters may enter a licence area in which aquaculture is carried on by means of a semi-closed system if—
- (a) the fish are accompanied by a certificate—
    - (i) that is in a form approved by the Minister; and
    - (ii) that has been issued—
      - (A) by a veterinary diagnostic laboratory accredited by the National Association of Testing Authorities; and
      - (C) following examination of at least 30 fish in the consignment; and
    - (iii) that certifies that the required number of fish were examined on a specified day or days and that the fish examined were not affected with a notifiable disease and did not display signs of being affected with a disease; and
  - (b) the fish enter the licence area within 14 days after the day or the last day (as the case requires) on which stock were examined for the purposes of the certificate; and
  - (c) at least 2 days before the fish enter the licence area the Aquaculture Minister has been provided with a copy of the certificate referred to in paragraph (a).

**Schedule 1—Revocation of *Livestock (Restrictions on Entry of Aquaculture Stock) Notice 2005***

The *Livestock (Restrictions on Entry of Aquaculture Stock) Notice 2005* is revoked.

**Made by the Minister**

on 4 September 2008

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