



*Fisheries Management Act 2007*  
Section 72

# APPLICATION FOR A MINISTERIAL PERMIT TO POSSESS OR CONTROL PROTECTED SPECIES

**Application Fee \$139**

01/07/2023 – 30/06/2024

**With this completed application:**

*(Please tick when complete)*

- I have enclosed the application fee of \$139.
- If in a company name, I have attached an ASIC full company search extract, which lists all company directors (dated no older than 3 months).
- I have provided reports as required by condition of any previous permit, if applicable.
- I have checked the protected species list (see list at this link [http://pir.sa.gov.au/fishing/protected\\_species](http://pir.sa.gov.au/fishing/protected_species))
- I have checked if the proposed activity will be within a specially protected area (eg Aquatic Reserve, any area within a Marine Park, Adelaide Dolphin Sanctuary or River Murray Protected Area).
- If the proposed activity is within a specially protected area, I have contacted the relevant authorities to obtain information on any requirements of that area.
- I have attached a map of the proposed location for activity
- I have attached an additional project outline(s) (if undertaking research activity)
- I have attached other permits (if applicable)
- I have read the Objects of the Act provided in attachment and I believe my application supports these objectives.

**All sections of this form must be completed. If additional space is needed, attach a separate page. Application Forms insufficiently or partially completed and not provided within two weeks of request, will be returned to the applicant.**

**Completed applications to:**

**PIRSA FISHERIES & AQUACULTURE**

2 Hamra Avenue, West Beach. SA 5024

GPO Box 1625, Adelaide SA 5001

Telephone (08) 8207 5332 Facsimile (08) 8207 5331

Email [PIRSA.MinisterialExemptionsandPermits@sa.gov.au](mailto:PIRSA.MinisterialExemptionsandPermits@sa.gov.au)

[http://www.pir.sa.gov.au/fishing/permits\\_and\\_exemptions](http://www.pir.sa.gov.au/fishing/permits_and_exemptions)

**PERSONAL/COMPANY/ORGANISATION OR ASSOCIATION DETAILS**

Applicant (name the permit is to be issued to): .....

Date of Birth (of applicant or nominated individual): .....

If applicant is a company, organisation, or association, please provide name of person who will be acting on behalf of the company (name and position title): .....

**Note:** *If applicant is a company or organisation please attach an **ASIC full company search extract (dated no older than 3 months)** which lists all company directors. If acting on behalf of a company and not a director or company secretary you must provide evidence of authorisation.*

ABN: .....(if applicable) ACN.....(if applicable)

Residential / Business Address: .....

Postal Address: .....

Telephone: ..... (W) ..... (M) ..... (H)

Fax: ..... Email address: .....

Are you a fishery licence holder under the *Fisheries Management Act 2007* or an aquaculture licence holder under the *Aquaculture Act 2001*? If so, please supply details:

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**DETAILS OF PROPOSED ACTIVITY**

1. Describe the reason the permit is required:

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2. Provide the reason for the intended activity:

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## **SPECIES AND EQUIPMENT DETAILS**

3. List the protected species and quantities of each to be possessed or controlled:

\*Common name and scientific name can be found at this link: [www.fishnames.com.au/](http://www.fishnames.com.au/)

Protected species can be found at this link: [http://pir.sa.gov.au/fishing/protected\\_species](http://pir.sa.gov.au/fishing/protected_species)

Species to be retained (Common name, Scientific name*)	Quantity	Description ie Lifestage/size
Species to be surveyed (not retained) (Common name, Scientific name*)	Quantity	Description ie Lifestage/size

4. What activities will you be undertaking with the species?:

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5. List the name and address of the nominated agents who may be collecting the species for you:

Name	Address	Lic No

6. Will a boat be used to undertake the proposed activity? If yes, please supply name, length, registration number and survey details of the boat:

Boat name	Length	Registration number	Survey details

7. What equipment including quantity and dimensions will be used to undertake the proposed activity? (Diagrams or photographs may be attached to support your application)

Equipment type	Quantity	Dimensions

**LOCATION DETAILS**

8. Please identify on attachment 1 the proposed location of activity including the GPS coordinates (GDA94).  I have identified location on map attachment

Please provide further detail describing the location of the activity: .....

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9. Will the proposed activity be conducted within any specially protected area (Aquatic Reserve, any area of a Marine Park, Adelaide Dolphin Sanctuary or River Murray Protected Area) If yes, please provide details:

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**Note:** You are advised you should contact the relevant authority with regard to proposed activities within specially protected areas, for contact information please visit the Department of Environment, Water and Natural Resources website at <http://www.environment.sa.gov.au>

10. Will you be releasing the species? If not, where will the species be held?:

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**TIMEFRAMES**

11. What are the proposed timeframes and dates of when the proposed activity will be undertaken?

Commencement Date..... Concluding Date.....

## **HISTORY DETAILS**

12. Please state any relevant experience or knowledge in relation to the proposed activity:

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13. Have you previously been provided a Ministerial Exemption or Permit for the same activity as the proposed activity? If so, please supply the Ministerial Exemption/Permit number:

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14. Have you, proposed agents or any director of your company/organisation have any pending or prior convictions for any offence under fisheries, aquaculture or conservation legislation in Australia? If so, please supply details:

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15. Are you applying for a fee waiver? *(If so, please provide details i.e. how the application supports that of the Fisheries Management Act 2007. Waiver requests are considered on a case-by-case basis – a separated document may be attached)*

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## DECLARATION

Full Name of Applicant .....

I .....(Natural Person/ Director) \*

of (Address) .....

Contact Telephone Number: .....

hereby certify that the contents of this application is to the best of my knowledge and belief true and accurate. I know that the information provided is to be used for the purpose of the administration of the *Fisheries Management Act 2007* and if it is false or misleading in a material particular (whether by reason of inclusion or omission of any particular) I may be guilty of an offence.

I have completed the checklist on page 1 and addressed all matters

Dated the .....(day) of ..... (month), 20..... (year)

Signed: .....

Witnessed by: .....  
(Full Name)

of .....  
(Address)

Signature of Witness: .....

**\* Evidence may be required to prove authority to act on behalf of the company/organisation.**

## Part 2—Objects of Act

### 7—Objects of Act

- (1) An object of this Act is to protect, manage, use and develop the aquatic resources of the State in a manner that is consistent with ecologically sustainable development and, to that end, the following principles apply:
  - (a) proper conservation and management measures are to be implemented to protect the aquatic resources of the State from over-exploitation and ensure that those resources are not endangered;
  - (b) access to the aquatic resources of the State is to be allocated between users of the resources in a manner that achieves optimum utilisation and equitable distribution of those resources to the benefit of the community;
  - (c) aquatic habitats are to be protected and conserved, and aquatic ecosystems and genetic diversity are to be maintained and enhanced;
  - (d) recreational fishing and commercial fishing activities are to be fostered for the benefit of the whole community;
  - (e) the participation of users of the aquatic resources of the State, and of the community more generally, in the management of fisheries is to be encouraged.
- (2) The principle set out in subsection (1)(a) has priority over the other principles.
- (3) A further object of this Act is that the aquatic resources of the State are to be managed in an efficient and cost effective manner and targets set for the recovery of management costs.
- (4) The Minister, the Director, the Council, the ERD Court and other persons or bodies involved in the administration of this Act, and any other person or body required to consider the operation or application of this Act (whether acting under this Act or another Act), must—
  - (a) act consistently with, and seek to further the objects of, this Act; and
  - (b) insofar as this Act applies to the Adelaide Dolphin Sanctuary, seek to further the objects and objectives of the *Adelaide Dolphin Sanctuary Act 2005*; and
  - (c) insofar as this Act applies to the River Murray, seek to further the objects of the *River Murray Act 2003* and the *Objectives for a Healthy River Murray* under that Act; and
  - (d) insofar as this Act applies to areas within a marine park, seek to further the objects of the *Marine Parks Act 2007*.
- (5) For the purposes of subsection (1), **ecologically sustainable development** comprises the use, conservation, development and enhancement of the aquatic resources of the State in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well-being while—
  - (a) sustaining the potential of aquatic resources of the State to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of the aquatic resources of the State; and
  - (c) avoiding, remedying or mitigating adverse effects of activities on the aquatic resources of the State,

(taking into account the principle that if there are threats of serious or irreversible damage to the aquatic resources of the State, lack of full scientific certainty should not be used as a reason for postponing measures to prevent such damage).



## **Part 7—Offences**

### **72—Sale, purchase or possession of aquatic resources without authority prohibited**

- (1) Subject to this section, if a person sells or purchases an aquatic resource taken in waters to which this Act applies but not under an authority, the person is guilty of an offence.

Maximum penalty:

- (a) in the case of a body corporate—
  - (i) if the offence involves the sale or purchase of fish of a priority species—\$250 000;
  - (ii) in any other case—\$100 000;
- (b) in the case of a natural person—
  - (i) if the offence involves the sale or purchase of fish of a priority species—\$50 000 or imprisonment for 4 years;
  - (ii) in any other case—\$20 000 or imprisonment for 2 years.

- (2) Subject to this section, if a person sells or purchases, or has possession or control of—
- (a) an aquatic resource taken in contravention of this Act or a corresponding law; or
  - (b) an aquatic resource of a protected species; or
  - (c) an aquatic resource of a prescribed class,
- the person is guilty of an offence.

Maximum penalty:

- (a) in the case of a body corporate—
  - (i) if the offence involves the sale or purchase of fish of a priority species or the possession or control of fish of a priority species for the purposes of sale—\$250 000;
  - (ii) in any other case—\$100 000;
- (b) in the case of a natural person—
  - (i) if the offence involves the sale or purchase of fish of a priority species or the possession or control of fish of a priority species for the purposes of sale—\$50 000 or imprisonment for 4 years;
  - (ii) in any other case—\$20 000.

- (7) Subsection (2) does not apply where a person has possession or control of an aquatic resource of a protected species pursuant to a permit issued by the Minister.

- (8) The Minister must not issue a permit for the purposes of subsection (7) unless of the opinion that it is in the public interest to do so.

## **Part 7—Offences**

### **79A—Permits**

- (1) A permit issued by the Minister for the purposes of this Part—
  - (a) is not transferable; and
  - (b) is subject to such conditions as the Minister thinks fit and specifies in the permit.
- (2) The Minister may at any time, by written notice given to the holder of a permit, vary or revoke a condition of the authority, or impose a further condition.
- (3) The holder of a permit issued for the purposes of this Part must not contravene a condition of the permit.

Maximum penalty:

- (a) in the case of a body corporate—\$250 000;
- (b) in the case of a natural person—\$120 000.

