



FISHERIES
& AQUACULTURE
PIRSA

Aquaculture Legislation in South Australia

PREMIUM
FOOD AND WINE FROM OUR
CLEAN
ENVIRONMENT



Government
of South Australia

Primary Industries
and Regions SA

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Industry Overview

The South Australian aquaculture industry is one of the largest primary production sectors in South Australia. In 2014-15, the value of production was \$227.8 million, accounting for 49% of the state's total value of seafood production.

Globally, demand for safe, sustainably-sourced seafood is climbing and by 2020, aquaculture is expected to produce 60% of global seafood demand.

South Australia is well placed to meet growing demand, with locally farmed species including Southern Bluefin Tuna, Pacific Oysters, Yellowtail Kingfish and Greenlip Abalone highly sought after by domestic and international markets.

South Australia is also home to the most diverse and innovative range of aquaculture systems in Australia, including subtidal and intertidal mollusc farming, sea-cage farming of finfish and a range of landbased systems.

Aquaculture has long been one of the state's great success stories of regional employment and

innovation and is a major contributor to delivery of the Government's *Premium Food and Wine Produced in our Clean Environment and Exported to the World* economic priority.

As the aquaculture industry continues to expand and diversify, new opportunities for employment and economic benefits will be realised.

South Australia's strong regulatory framework for aquaculture is vital for supporting continued industry growth and development. Recent regulatory changes outlined in this document aim to streamline and reduce red tape wherever possible, support contemporary farming practices and strengthen environmental and biosecurity outcomes.

The effective management of these risks is vital to industry sustainability and growth and demonstrates the commitment of Primary Industries and Regions SA (PIRSA) in supporting the aquaculture industry to reach its full potential.



Aquaculture Act 2001

South Australia has always strived to be at the forefront of aquaculture development and planning, and the *Aquaculture Act 2001* is the only dedicated aquaculture legislation of its kind in the country.

Other Australian jurisdictions regulate aquaculture through fisheries, marine resource or planning management frameworks, however, the South Australian Government believes the opportunities and challenges faced by the aquaculture industry in this state are unique and worthy of a dedicated regulatory framework.

South Australia has taken a strategic approach to regulation and seeks to proactively plan for the future growth and expansion of the industry. While competition for, and access to, South Australia's natural resources is increasing, the Government is supporting the efficient and effective use of these resources through sound policies and planning and a one-stop-shop approach to aquaculture administration.

The objects of the *Aquaculture Act 2001* are:

- to promote ecologically sustainable development of marine and inland aquaculture
- to maximise the benefits to the community from the state's aquaculture resources
- otherwise to ensure the efficient and effective regulation of the aquaculture industry.

The *Aquaculture Act 2001* establishes the broad framework for the regulation of aquaculture in South Australia by:

- defining aquaculture as the farming of aquatic organisms for the purposes of trade, business or research
- authorising aquaculture by setting the parameters within which it can occur
- enshrining the principle of ecologically sustainable development (ESD)

- providing for planning for the future of the aquaculture industry through the development of aquaculture zone policies
- maintaining requirements for aquaculture leases and licences
- establishing the requirement for compliance with the general environmental duty and environment protection policies.

The *Aquaculture Act 2001* is supported by the *Aquaculture Regulations 2016* and interacts with a number of other pieces of legislation including the:

- *Fisheries Management Act 2007*
- *Environment Protection Act 1993*
- *Harbors and Navigation Act 1993*
- *Development Act 1993*
- *Livestock Act 1997*.

Aquaculture leases and licences

The *Aquaculture Act 2001* (Act) authorises aquaculture activity in South Australia by setting the parameters within which it can occur.

The Act provides that no one may conduct aquaculture in South Australia unless authorised to do so by an aquaculture licence. An aquaculture licence authorises the nature of the activity conducted (for example, species to be farmed, amount of stock permitted etc.). All applications for aquaculture licences are reviewed for environmental issues and referred to the Environment Protection Authority to ensure any environmental impacts have been considered and appropriately addressed.

Two types of aquaculture occur in South Australia:

- marine aquaculture (aquaculture occurring in state waters)
- landbased aquaculture.

For landbased aquaculture, only a licence is required.

For marine aquaculture, an aquaculture lease

is required to provide access to specific areas of state waters. All applications for aquaculture leases are referred to the Minister for Transport to ensure any impacts on transport or navigation routes are considered and addressed.

The Act also provides for aquaculture zones to be designated as public call areas, which mandates a public call process for any new lease applications. Since 2012, most aquaculture zones in South Australia have been designated as public call areas. This enables tenure to be allocated through a competitive process and ensures all interested parties have an opportunity to seek to secure a lease in the area.

Following a public call, all applications received are subject to independent assessment by the Aquaculture Tenure Allocation Board (ATAB). The ATAB is a statutory body established by the Act to advise the Minister on matters relating to the allocation of tenure for aquaculture. ATAB's role is to determine which applicant/s are most likely to produce the maximum benefits to the community from their use of the state's aquatic resources.



Types of aquaculture leases available

The *Aquaculture Act 2001* provides for four types of aquaculture leases:

- pilot leases
- production leases
- research leases
- emergency leases.

Pilot leases

Pilot leases may only be granted in areas outside of existing aquaculture zones. Pilot leases are used to trial aquaculture development in new areas and are short-term in nature. A pilot lease may be issued for a maximum term of 12 months and may be renewed, but only up to a maximum aggregate term of five years. If the lease holder has been able to demonstrate productive use of the lease area in this time, the lease holder may apply to convert the pilot lease to a production lease. Pilot leases are not transferable.

Production leases

Production leases may generally only be granted for areas within an existing aquaculture zone. Production leases are used by aquaculture operators in existing zone areas for established operations and are long-term in nature. A production lease may be issued for a maximum term of 20 years and is renewable for successive terms. A production lease is transferable with the consent of the Minister.

Research leases

Research leases may be granted in areas within or outside an existing aquaculture zone. Research leases are used by aquaculture operators or research organisations to conduct aquaculture for the purposes of research in order to increase, enhance or diversify aquaculture production. A research lease may be issued for a maximum term of five years and is renewable but not beyond the duration of the research project.

Emergency leases

Emergency leases may be granted in areas within or outside an existing aquaculture zone and are temporary in nature. Emergency leases may be granted if the Minister is satisfied that the lease is necessary for the protection of the environment or the preservation of endangered aquaculture stock. An emergency lease may be issued for a maximum term of six months and is renewable, but not beyond the duration of the emergency.

Aquaculture zone policies

Marine aquaculture is permitted in all state waters other than areas prescribed as aquaculture exclusion zones or areas where aquaculture is not permitted for another reason (eg. sanctuary zones in marine parks and areas in close proximity to shipping and boating channels).

The *Aquaculture Act 2001* allows for the development of zone policies that identify specific areas within state waters that are appropriate for aquaculture development. Aquaculture zone policies must undergo a comprehensive approval process where they are assessed to determine the environmental, social and economic conditions present (including a public consultation process). These assessments must conclude that using the area for the purposes of aquaculture will maximise benefits to the broader community.

Aquaculture zone policies provide proactive planning for aquaculture development by clearly identifying areas in which applications will be welcomed and supported by the government.

The approvals process for aquaculture development is more streamlined inside an aquaculture zone policy area because relevant investigations have already occurred. As a result, aquaculture operators seeking to conduct aquaculture activity inside an existing zone policy area will benefit from a higher degree of certainty and business security.

There are currently 12 aquaculture zone policies in South Australia: Lower Eyre Peninsula, Lacedepe Bay, Streaky Bay, Arno Bay, Port Neill, Fitzgerald Bay, Coffin Bay, Smoky Bay, Anxious Bay, Cape D'Estrees, Eastern Spencer Gulf and Tumby Bay. These zone policies are regularly reviewed and amended to ensure that they remain relevant and that they maximise the use of aquatic resources for the purposes of aquaculture.



South Australian current aquaculture zone policies



**Note, the zone areas marked are indicative only. For exact location details contact PIRSA on 8226 0900 or visit www.pir.sa.gov.au/aquaculture*

Aquaculture Regulations 2016

Aquaculture regulation review

To ensure legislation used in the regulation of aquaculture in South Australia is up to date, in keeping with contemporary aquaculture practices and supports best-practice in ecologically sustainable development, PIRSA recently completed a review of the *Aquaculture Regulations 2005*.

This review involved consultation and collaboration with aquaculture industry stakeholders, State Government agencies and the broader community. The regulations have been re-made and the *Aquaculture Regulations 2016* commenced on 7 July 2016.

The new regulations incorporate valuable regulatory reforms identified through the review and have been developed to support the future growth and prosperity of the aquaculture industry in a productive, competitive and ecologically sustainable way.

The new regulations aim to:

- streamline regulatory and administrative processes and reduce red tape
- implement reforms that support and promote best practice by industry
- strengthen environmental and biosecurity outcomes for South Australia.

An overview of the key changes to the regulations is provided on pages 11-21. This information is intended to be a guide to the main changes only, to aid licensees' understanding of the regulatory provisions. It is not legal advice nor a substitute for reading the regulations themselves.

All licensees are obliged to read the regulations themselves and to ensure that they understand and comply with all regulatory requirements. If licensees have any doubts as to the meaning of the regulations they should seek independent legal advice.



A new environmental monitoring program

As a part of the review of the *Aquaculture Regulations 2005*, PIRSA arranged for an independent examination of the existing Environmental Monitoring Program (EMP) for the South Australian aquaculture sector to be conducted by the Commonwealth Scientific and Industrial Research Organisation (CSIRO). The review resulted in a number of recommendations being made that could improve the environmental monitoring of aquaculture. Recommendations were to:

1. increase engagement with stakeholders
2. use a more diverse range of environmental values and indicators to define a monitoring program
3. monitor at a more diverse range of scales (e.g. farm, zone and region)
4. develop baselines against which all data are compared
5. collect more quantitative and scientifically robust data within suitable timeframes for adaptive management
6. make all data clear, simple and available to the public
7. use agreed environmental threshold/trigger points with identified management actions
8. use environmental monitoring methodologies that are standard nationally and globally
9. utilise other relevant reporting data to strengthen program
10. regular review of monitoring programs to ensure that the agreed values are still being addressed
11. amend annual reporting proforma to remove 'irrelevant' questions
12. prepare an overarching monitoring document and make it available to the public
13. introduce a water quality monitoring program (tuna/finfish)
14. develop a hydrodynamic model to understand residual flows and likely pathways of nutrients and organic matter

Based on these recommendations and following consultation with the South Australian Research and Development Institute (SARDI) Aquatic Sciences – the research division of PIRSA – as well as the Environment Protection Authority (EPA) and industry, a new environmental monitoring program has been developed for all aquaculture sectors. Monitoring programs are profiled into three categories (supplementary fed, shellfish, landbased) and each program gathers and assesses data from a range of sources and at a range of scales. The new environmental monitoring program will ensure that necessary data is:

- adequately assessed
- responded to when necessary
- reported publicly where appropriate.

The recommendations of the CSIRO review included development of a public reporting mechanism to ensure transparency of the management process and results, and to showcase the sustainable management of aquaculture in South Australia. The monitoring parameters, among other relevant government data such as existing scientific reports, marine parks and EPA's Aquatic Ecosystem Condition Reports will be considered and reported through Regional Performance Reports for major aquaculture development areas every two years. The reports will summarise:

- environmental monitoring
- compliance processes
- biosecurity management
- development and production performance
- rehabilitation of unused sites.

The publication of Regional Performance Reports will provide transparency to the community regarding the management of the aquaculture industry and improve community acceptance, or 'social licence', for aquaculture to operate. The reports will also provide information to inform zone policy implementation and reviews, support market access and trade opportunities and advise businesses and potential investors.

Regional Performance Reports will be available on the PIRSA website via www.pir.sa.gov.au/aquaculture



Regulations relevant to both marine and landbased aquaculture

Use of chemicals

Changes have been made to **Regulation 10 – Use of chemical substances**. The changes allow a chemical product (including veterinary medicines) to be used in accordance with the written approval of the Minister after consultation with the EPA, when required, to provide a more flexible and timely approval process in emergency circumstances and to align penalties with national regulatory arrangements.

Regulation 10 only allows a chemical substance to be used for therapeutic or prophylactic purposes to treat disease or as an antifoulant:

- if it is a registered veterinary chemical product within the meaning of the *Agricultural and Veterinary Products (Control of Use) Act 2002*, and it is used in accordance with the instructions on the approved label under that Act, a permit under that Act or the written approval of the Minister after consultation with the Environment Protection Authority

- if it is not a registered veterinary chemical product, it is used in accordance with the written approval of the Minister after consultation with the Environment Protection Authority.

Under Regulation 10, the above restrictions do not apply in circumstances of an emergency when:

- a veterinary surgeon has prescribed the use of that substance in relation to the licensee's stock to avoid imminent stock loss
- the licensee has obtained the Minister's prior approval of the use of the substance in those circumstances.

Aquaculture licensees seeking to use a chemical substance where the written approval of the Minister is required should contact PIRSA Fisheries and Aquaculture on (08) 8226 0900.

Recovery of aquaculture equipment or waste

As part of the review, contents of two separate regulations relating to the recovery of loose farming structures and the recovery of loose aquaculture waste have been combined into a single provision that deals with the recovery of both aquaculture equipment and waste.

In addition, a change to the timing of the requirement to recover equipment and waste has also been made to ensure immediate action is taken where it is safe and practical to do so.

The previous regulations required recovery as soon as practicable. The new regulation requires recovery as soon as practicable and in any event within seven days of the equipment or waste coming loose.

Regulation 12 – Recovery of aquaculture equipment or waste blown, washed or swept off-site, provides a new single provision.

Regulation 12(1) requires a licensee to recover waste or equipment that has been blown, washed or swept off the licence area as soon as practicable but in any event within seven days.

Regulation 12(2) also requires a licensee to remove waste or equipment if requested to do so by a Fisheries Officer and deal with it as requested. This provision provides a mechanism for licensees to negotiate an alternate timeframe for recovery if appropriate (for example, where recovery cannot take place safely in this timeframe).



Notification of unusually high mortality rate and duty to isolate unaffected organisms

The requirement for licensees to report “unusually high” mortality is critical in ensuring potential outbreaks of disease can be quickly detected and an emergency response enacted by PIRSA to safeguard the aquaculture industry and aquatic ecosystems.

Regulation 13 – Notification of unusually high mortality rate and duty to isolate unaffected organisms, has been changed so that if the mortality rate for stock farmed under a licence is unusually high (see description of new definition) or the licensee knows, or should reasonably know, that the organisms are affected with disease, the licensee must do two things.

Firstly, the licensee must immediately notify the Minister’s delegate by phone call of that fact and provide as many of the prescribed details as are known (such as any known or suspected cause of death and details of measures taken to control or eradicate the disease).

Secondly, the licensee must take all reasonable measures to isolate stock apparently affected by disease from stock not apparently affected and give the Minister notice in writing of the details.

Licensees can notify the Minister’s delegate by calling 1800 065 522 or (08) 8226 0900. Licensees can notify the Minister in writing by emailing pirsa.aquaculture@sa.gov.au

In addition, Regulation 13 now specifies that if the cause of an unusually high mortality rate is not immediately apparent, the licensee is required to assume that the stock may be affected with a disease. This requires licensees to take a cautious approach in these circumstances, given the importance of biosecurity to industry viability.

Definition of unusually high mortality rate

Regulation 3 – Interpretation has also been amended to allow for the creation of sector specific definitions of “unusually high” mortality. These sector specific definitions can be agreed through consultation with each industry sector.

Regulation 3 preserves the current definition of “unusually high” mortality until such time or in the absence of a sector specific definition being developed.

Regulation 3(2) now provides that the mortality rate of stock farmed under a licence will be considered to be unusually high if:

- the species is one for which the Minister has specified a mortality percentage by notice in the South Australian Government Gazette and at least that percentage of the species has died as specified
- it is at least 20% higher over a period of 24 hours than the usual average mortality rate for that species (being the mortality rate measured daily over the preceding three months).

Regulation 3(3) provides that the Minister may vary or revoke a notice published in the Gazette by subsequent notice.

Stock register

Licensees are required to keep records of their operations in a stock register. Some of the information previously required to be recorded in a stock register was overly prescriptive and duplicated the requirements that exist under other legislation (specifically requirements associated with translocation protocols under the *Livestock Notice 2014*).

This information has been simplified. It is no longer required that the following details be recorded in a stock register:

- in relation to stock supplied to the licensee, a copy of any health certification that accompanied the stock
- in relation to stock collected by the licensee, details identifying the authority under the *Fisheries Management Act 2007* under which the stock were collected and the age or developmental stage of the stock when collected

- any information relating to stock bred by the licensee
- in relation to stock supplied by the licensee to another person, the age or developmental stage of the stock when supplied and a copy of any health certification provided by the licensee to accompany the stock

However, **Regulation 15 – Stock register** also provides for some additional information to be recorded. This additional information will ensure better traceability of stock in circumstances of a disease outbreak, thereby strengthening biosecurity outcomes for the industry in South Australia.

Regulation 15(2)(c) provides for additional information to be recorded where stock is moved from one licence area to another licence area, even if both areas are operated by the same licensee.

Regulation 15(2)(c) requires the following information is recorded:

- date of the movement of the stock
- name and address of the licensee receiving the stock
- species
- number or biomass of the stock

Regulation 15(2)(e) also provides for additional information to be recorded with respect to stock that have died in the course of aquaculture, specifically, the date on which the stock was last checked.

Regulation 15(6) requires licensees to produce the stock register for inspection if requested by a person authorised by the Minister, for example, fisheries officers.

Additional requirements for marine aquaculture

Aquaculture strategies

Individual aquaculture strategies are required to be developed by all licensees and approved by the Minister for Agriculture, Food and Fisheries. The document must specify how each licensee will manage the impacts of their day to day operations on the surrounding environment.

The previous regulations specified that licensees must have a written strategy for minimising the risk of the escape of aquaculture stock into the wild and for minimising adverse interactions with seabirds and large marine vertebrates. Over time, aquaculture strategies have come to include a broader range of operational topics which are relevant to these risks. Amendments to **Regulation 18 – Aquaculture strategies** reflect this change in industry practice.

Aquaculture strategies may now be required to include additional topics including:

- the maintenance of farming structures and other aquaculture equipment

- actions to avoid or minimise disease in aquaculture stock
- a response plan for dealing with escapes and interactions
- actions for dealing with dead aquaculture stock
- inspections and monitoring of the licence area
- any other matter considered appropriate by the Minister.

Where an aquaculture strategy adequately addresses risks of escapes and interactions, notification to the Minister of these events (as required by regulations 26 and 27) may not be necessary.

The Regulations provide transitional provisions to ensure that aquaculture strategies that have already been approved by the Minister continue to be valid until such time as a sector-based strategy is approved (see below) or an individual strategy is amended.



Sector based aquaculture strategies

For the purpose of supporting and promoting best practice by industry, the regulations now provide flexibility for sector-based aquaculture strategies to be approved by the Minister. This will reduce red tape for industry because, if a sector-based strategy is developed and approved, licensees will no longer be required to develop and seek approval of individual strategies.

PIRSA intends to work with peak bodies for different sectors, with input from other relevant agencies and experts, to develop a strategy that represents best practice for that specific sector based on all of the research and information that is available. In addition to reducing red tape for licensees, through the maintenance of sector-wide rather than individual strategies, regulatory requirements will be consistent and transparent for all members of the industry and the community.

Regulation 19 – Sector-based aquaculture strategies provides that the Minister may

publish an aquaculture strategy that applies to a particular class of licensee. If a sector-based aquaculture strategy is in place, each licensee who belongs to the class of licence to which it applies must adopt the sector-based strategy.

Regulation 20 – Individual aquaculture strategies provides that if a sector-based aquaculture strategy is not in place in relation to an industry sector to which a licensee belongs, the licensee must have an individual strategy approved by the Minister.

Regulation 21 – Aquaculture strategies may be subject to urgent amendment without prior notice or consultation provides that the Minister may change the requirements of an aquaculture strategy without notice or consultation if urgent action is required to avoid, remedy or mitigate an adverse effect on the environment resulting from aquaculture. Such an amendment will only remain valid for 12 months. If the change is required beyond this period, the Minister must fulfil the consultation requirement.



Environmental reporting (for marine sectors)

Historic environmental monitoring requirements for marine licensees were specific to the licensed site only, and were quite prescriptive, making the scope of monitoring limited, and the ability to ensure licensees could meet reporting requirements difficult.

Following the review of the EMP, regulations for environmental reporting of marine licences have been broadened to enable reporting to be flexible and adaptive, and to allow monitoring to be continually updated based on best practice principles. For finfish and tuna licensees, a four year monitoring program has been developed to include a regional monitoring component, which allows for the monitoring of cumulative impacts associated with these sectors.

For all marine sectors, PIRSA will also be trialing on-site environmental audits, as a means of obtaining on-site information, and as a replacement for previous on-site benthic information required by licensees. For sites

where audits do not take place, PIRSA may request licensees to obtain on-site monitoring information, to ensure risks associated with benthic impacts of licensed sites can be adaptively managed.

In addition, annual EMP proformas have also been made less prescriptive, allowing only the information deemed necessary to be prescribed. A provision has also been included to ensure that additional information can be requested by the Minister if considered appropriate, to provide regulatory flexibility in the event that environmental risks change over time.

Regulation 22 – Annual reporting on general environmental matters provides that a licensee must provide an annual environmental report to the Minister containing the details specified by the Minister.

Regulation 23 – Periodic reporting on aquatic environment provides that the Minister may require a licensee to provide a report on the condition of the aquatic environment in or around the licence area.

Farming structures

The previous regulations required licensees to clearly mark sea cages with the relevant licence number. This created a burden for licensees who operated multiple licensed sites. Any licensees who previously wanted to move cages from one licensed site to another were required to change the markings on the cages. This is because the licence number is specific to the licensed site, not the licensee.

Regulation 25 – Farming structures has been amended to require licensees to mark each sea cage with the licence number, or a unique identifier for which the licensee has obtained the Minister's written approval. Text markings must be at least 70 millimetres in height and is clearly visible above the water line.

Licensees who would like to obtain an approved unique identifier should contact PIRSA Fisheries and Aquaculture on (08) 8226 0900.

The previous regulations also required fallowing of aquaculture operations by requiring that stocked sea cages must not be located in the same place that stocked sea cages were located within the preceding 12 months. The regulation did not include any discretion to dispense with the fallowing requirement if appropriate.

Regulation 25(e) has been amended to require that stocked sea cages must not be located in the same place that stocked sea cages were located within the preceding 12 months **unless otherwise approved** in writing by the Minister.

It is intended that the Minister will consider an exemption from the fallowing requirement where sea cages located in the same place for more than 12 months would have minimal impact on the environment.

Licensees wishing to obtain an exemption from the fallowing requirement should contact PIRSA Fisheries and Aquaculture on (08) 8226 0900. Alternatively, an exemption application form can be obtained by emailing pirsa.aquaculture@sa.gov.au

Notification of escape of stock or damage that may lead to escape of stock

The previous regulations required licensees to notify the Minister of the escape of stock, or damage to a farming structure that may lead to the escape of stock, but did not specifically require the licensee to take action to contain or prevent the escape. In addition, the previous regulation only applied to hatchery reared aquaculture stock.

Regulation 26 – Notification of escape of stock or damage that may lead to escape of stock has been amended so that, if aquaculture stock has escaped or a farming structure has been damaged and may lead to the escape of stock, the licensee must take all reasonable measures to contain or prevent the escape of stock. Regulation 26 also now applies to **all** aquaculture stock not just hatchery reared aquaculture stock, for reasons relating to biosecurity.

The timing of the requirement to notify the Minister of escapes has also been brought forward. Regulation 26 now requires a licensee to notify the Minister's delegate by telephone call of the escape of stock, or damage that may lead to the escape of stock, within **four hours** of becoming aware of the escape or damage. Regulation 26 also requires licensees to give the Minister written notice of the escape or damage within **two days** of becoming aware of the escape or damage.

Regulation 26 also allows for this reporting requirement to be varied where the risks are appropriately addressed in an approved aquaculture strategy.

Licensees can notify the Minister's delegate by calling 1800 065 522 or (08) 8226 0900. Appropriate reporting forms can be provided by PIRSA. Alternatively, licensees can notify the Minister by emailing pirsa.aquaculture@sa.gov.au

Notification of entanglement or confinement of protected animals

The previous regulations required licensees to notify the Minister if a protected animal became confined or entangled in a farming structure or other equipment used in aquaculture. All mammals, birds and reptiles that are indigenous to, or migrate through, Australia are protected, as well as any species declared to be protected (eg. White Shark). **Regulation 27 - Notification of entanglement or confinement of protected animals** maintains this requirement but specifies the information that must be reported to the Minister.

Regulation 27 requires licensees to immediately notify the Minister's delegate by telephone after becoming aware of an entanglement or confinement. Regulation 27 also requires licensees to give the Minister written notice of the entanglement or confinement within two days of becoming aware of it.

Licensees can notify the Minister's delegate by calling 1800 065 522 or (08) 8226 0900. Appropriate reporting forms can be provided by PIRSA. Alternatively, licensees can notify the Minister by emailing pirsa.aquaculture@sa.gov.au

In a change from the previous regulation, Regulation 27 now requires licensees to advise the Minister of the:

- species of animal
- expected period of entanglement or confinement
- condition of the animal
- details of the circumstances of the entanglement
- any action taken to free the animal
- the outcome of that action.

Regulation 27 also allows for this reporting requirement to be varied where the risks are appropriately addressed in an approved aquaculture strategy.



Additional requirements relating to landbased aquaculture

Environmental reporting

Historic environmental monitoring requirements for landbased sites were quite prescriptive, making reporting requirements difficult. Following the review of the EMP, regulations for environmental reporting of landbased licences have been broadened to enable reporting to be flexible and adaptive, and to allow monitoring to be continually updated based on best practice principles.

For all landbased sectors, PIRSA will be trialing on-site environmental audits, as a means of obtaining on-site information, and as a replacement for the previous provision of on-site water quality information required by some landbased licensees. For sites where audits do not take place, PIRSA may request licensees to obtain on-site monitoring information, to ensure risks associated with discharge water from licensed sites can be adaptively managed.

Furthermore, annual EMP proformas have also been made less prescriptive, allowing only the information deemed necessary to be prescribed. A provision has also been included to ensure that additional information can be requested by the Minister if considered appropriate, to provide regulatory flexibility in the event that environmental risks change over time.

Regulation 29 – Annual reporting on general environmental matters provides that a licensee must provide an annual environmental report to the Minister containing the details specified by the Minister.

Regulation 30 – Periodic reporting on aquatic environment provides that the Minister may require a licensee to provide a report on the condition of the aquatic environment in or around the licence area.



New exemptions from environmental reporting requirements

Exemptions from environmental reporting requirements

The previous regulations did not provide any process for exempting licensees from the environmental reporting requirements, although it is acknowledged that in some cases, licensed activities may not pose an environmental risk and therefore may not require reporting of environmental information. **Regulation 31 – Exemptions from environmental reporting requirements** now allows the Minister to exempt a licensee from the environmental reporting requirements for a period not exceeding two years, if appropriate to do so.

The Minister can consider and grant the exemption if considered appropriate, on the basis that:

- no aquaculture is to be carried on in the area during the period
- the scale or intensity of aquaculture to be carried on in the area is so low as to have a negligible or minimal adverse impact on the environment.

Regulation 31(3) allows the Minister to grant an exemption unconditionally or subject to conditions. Regulation 31(8) provides that a licensee must comply with the conditions of an exemption.

Licensees wishing to obtain an exemption from the environmental reporting requirements should contact PIRSA Fisheries and Aquaculture on (08) 8226 0900.

Licensees should also note that many penalty provisions have been updated. Details can be found in the *Aquaculture Regulations 2016* available via www.pir.sa.gov.au/aquacultureregreview

Licensees can seek further information or clarification of the changes by contacting PIRSA.

PIRSA Fisheries and Aquaculture

Phone: (08) 8226 0900

Email: pirsa.aquaculture@sa.gov.au

Further information is also available in the *Aquaculture Regulations 2016* available via www.pir.sa.au/aquacultureregreview and via the public register

www.aginsight.sa.gov.au