

Attachment 2: Current and proposed replacement licence conditions

| ALL LICENCES | | |
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| Existing condition | Replaced / Deleted | Reasoning |
| The rights under this Licence are personal to the Licensee and cannot be sub-licensed. | Deleted | Not required, it is illegal for a person to undertake aquaculture on a Licensed site if the Licence is not granted to that person. |
| | | New condition |
| A reference to any legislation or to any provision of any legislation includes all legislation, regulations, proclamations, ordinances, by-laws and instruments issued under that legislation or provision and any modification, consolidation, amendment, re-enactment or substitution of that legislation or provision. | Replaced | 31—Interpretation (1) In this Part and in the licence, unless the contrary intention appears: Act means the Aquaculture Act 2001; land-based aquaculture licence means an aquaculture licence under Part 7 of the Act; licensed site means the location at which the licence authorises aquaculture operations; licensed species , in respect of an aquaculture licence, means a species of aquatic organism authorised to be farmed under the licence; licence specific condition means a condition of the licence that is not a standard condition; marine-based aquaculture licence means a licence that is a corresponding licence under Part 6 of the Act; Minister means the Minister to whom administration of the Act is committed; Regulations means the <i>Aquaculture Regulations 2016</i> ; standard condition means a condition of the licence provided for in this Part. (2) Unless the contrary intention appears, terms used in the licence that are defined in the Act, the Regulations or an aquaculture policy have the respective meanings assigned to those terms by the Act, the Regulations or other policy (as the case requires). (3) Every word in the singular number will be construed as including the plural number, every word in the plural number will be construed as including the singular number and every word implying a particular gender will be construed as including every other gender. (4) Where two or more persons are included in the designation the licensee, the obligations on the part of the licensee contained in the licence will bind such persons and any two or greater number of them jointly and each of them severally and the expression the licensee will include all or any one or more of such persons. (5) References to a statute include all amendments for the time being in force and any other statute enacted in substitution for it and the regulations, by-laws or other orders for the time being made under that statute. (6) Headings are for convenience of reference only and shall not affect the construction or interpretation of the licence. |
| Each word, phrase, sentence, paragraph and clause of this Licence is severable. If a court determines that a part of this Licence is unenforceable, invalid or void that court may sever that part. Severance of a part of this Licence will not affect any other part of this Licence. | Replaced | |
| Where a word, phrase, sentence, paragraph, clause or other provision of this Licence would otherwise be unenforceable, invalid or void the effect of that provision shall so far as possible, be limited and read down so that it is not unenforceable, invalid or void. | Replaced | |

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| | | <p>(7) Each word, phrase, sentence, paragraph and clause of the licence is severable. If a court determines that a part of the licence is unenforceable, invalid or void that court may sever that part. Severance of a part of the licence will not affect any other part of the licence.</p> <p>(8) Where a word, phrase, sentence, paragraph, clause or other provision of the licence would otherwise be unenforceable, invalid or void, the effect of that provision shall so far as possible be limited and read down so that it is not unenforceable, invalid or void.</p> |
| | | New condition |
| The Licensee shall in the event that it receives reasonable direction from the minister to do so, cease and desist from any activity which in the reasonable opinion of the Minister may tend to cause environmental harm (as defined in the <i>Environment Protection Act 1993</i>). | Replaced | <p>35—Notification to Minister of damage, degradation and risks arising due to aquaculture activity</p> <p>The licensee must, on becoming aware of any of the following matters (whether in the licensed site or outside it) occurring or being likely to occur due to aquaculture activity under the licence, immediately notify the Minister by telephone call and also within 2 days by notice in writing:</p> <p>(a) damage or degradation to the seabed or the marine or coastal environment;</p> <p>(b) a material risk to navigational safety.</p> <p>36—Degradation or damage to the seabed, marine or coastal environment</p> <p>(1) If the licensee has engaged, or is engaging, in any activity which in the opinion of the Minister has caused, is causing or is likely to cause an unacceptable level of degradation or damage to coastal land or the surrounding marine environment, the Minister may, by notice in writing, direct the licensee to cease engaging in the activity and to refrain from further engaging in the activity.</p> <p>(2) The licensee must comply with a direction of the Minister under subclause (1).</p> |
| The Licensee shall in the event that it receives reasonable direction from the Minister to do so, cease and desist from any activity which in the reasonable opinion of the Minister may tend to cause environmental harm (as defined in the <i>Environment Protection Act 1993</i>). | Replaced | |
| | | Reasoning |
| The coordinates of the Licensed Site may be altered to take account of any alteration to the Area of the corresponding Lease. | Deleted | Not required, this condition is a duplication of the provisions of subsection 25(A)(3)(d) of the Act. |
| | | New condition |
| The telephone number provided to the Licensee for the purposes of notifying the Minister under the Regulations 26 and 27 (entanglement of certain animals and escape of stock) is 1800 065 522, or such other number as notified by the Minister to the Licensee in writing. The telephone number for contacting the Minister for any other matter is (08) 8226 0900 or such other number as notified by the Minister to the Licensee in writing. | Replaced | <p>32—Notice to Minister</p> <p>(1) If the licensee is required to give notice in writing, submit or furnish a report, provide a periodic return, or provide or produce any other documents, records or information to the Minister, such notice, report, periodic return, record, document or information may be sent—</p> <p>(a) by post to PIRSA Fisheries and Aquaculture, GPO Box 1625, Adelaide SA 5001; or</p> <p>(b) by email to PIRSA.Aquaculture@sa.gov.au; or</p> <p>(c) by facsimile transmission to (08) 8204 1388 or</p> <p>(d) to such other postal or email address or facsimile number as notified by the Minister to the licensee in writing.</p> <p>(2) If the licensee is required to notify the Minister of a matter by telephone call—</p> |
| The facsimile number provided to the Licensee for the purposes of notifying the Minister under the Regulations 26 and 27 (entanglement of certain animals and escape of stock) is (08) 8204 1388, or such other number as notified by the Minister to the Licensee in writing. The facsimile number for contacting the Minister for any other matter is (08) 8204 1388 or such other number as notified by the Minister to the Licensee in writing. | Replaced | |

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| <p>The telephone number provided to the Licensee for the purposes of notifying the Minister under the Regulations 20 and 21 (entanglement of certain animals and escape of stock) is 1800 065 522, or such other number as notified by the Minister to the Licensee in writing. The telephone number for contacting the Minister for any other matter is (08) 8204 1380 or such other number as notified by the Minister to the Licensee in writing.</p> | <p>Replaced</p> | <p>(a) in the case of a notification under regulation 26 or 27 or clause 35 or 46—the licensee must notify the Minister by calling 1800 065 522 or such other number as notified by the Minister to the licensee in writing; and</p> <p>(b) in any other case—the licensee must notify the Minister by telephone call to (08) 8226 0900, or such other number as notified by the Minister to the licensee in writing.</p> <p>(3) Notice given or sent to, or served on, one of the natural persons or bodies corporate comprising the licensee will be taken to be notice to all persons comprising the licensee.</p> <p>(4) The Minister may amend this clause by Gazette notice.</p> |
| <p>The facsimile number provided to the Licensee for the purposes of notifying the Minister under the Regulations 20 and 21 (entanglement of certain animals and escape of stock) is (08) 8204 1388, or such other number as notified by the Minister to the Licensee in writing. The facsimile number for contacting the Minister for any other matter is (08) 8204 1388 or such other number as notified by the Minister to the Licensee in writing.</p> | <p>Replaced</p> | |
| <p>The telephone number provided to the Licensee for the purposes of notifying the Minister about the escape of stock is 1800 065 522, or such other number as notified by the Minister to the Licensee in writing. The telephone number for contacting the Minister for any other matter is (08) 8226 0900 or such other number as notified by the Minister to the Licensee in writing.</p> | <p>Replaced</p> | |
| | | <p>Reasoning</p> |
| <p>The Licensee shall at all times during the term of this Licence comply with the requirements of all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the Licensed Site or the use of the Licensed Site by the Licensee, including but not limited to those given or made pursuant to the <i>Aquaculture Act 2001, Aquaculture Regulations 2016, Environment Protection (Water Quality) Policy 2015</i> and the <i>Livestock Act 1997</i>.</p> | <p>Deleted</p> | <p>Not required, these conditions are a duplication of existing legislative requirements of all licence holders.</p> |
| <p>The Licensee shall at all times during the term of this Licence comply with the requirements of all statutes, regulations, by-laws, ordinances, rules or other forms of statutory instruments or delegated legislation applicable to the Licensed Site or to the use of the Licensed Site by the Licensee, including but not limited to the <i>Aquaculture Act 2001, Aquaculture Regulations 2016, Environment Protection (Water Quality) Policy 2015</i> and the <i>Livestock Act 1997</i>.</p> | <p>Deleted</p> | |
| <p>The Licensee shall at all times during the term of this Licence comply with the requirements of all statutes, regulations, by-laws, ordinances, rules or other forms of statutory instruments or delegated legislation applicable to the Licensed Site or to the use of the Licensed Site by the Licensee, including but not limited to the <i>Aquaculture Act 2001, Aquaculture Regulations 2005, Environment Protection (Water Quality) Policy 2015</i> and the <i>Livestock Act 1997</i>.</p> | <p>Deleted</p> | |
| <p>The Licensee shall at all times during the term of this Licence comply with the requirements of all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the Licensed Site or the use of the Licensed Site by the Licensee, including but not limited to those given or made pursuant to the</p> | <p>Deleted</p> | |

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| Aquaculture Act 2001, Aquaculture Regulations 2005, Environment Protection (Water Quality) Policy 2015 and the Livestock Act 1997. | | |
| | | New condition |
| Until such time as the Licensee has a written strategy approved by the Minister under regulations 18 and 20 of the <i>Aquaculture Regulations 2016</i> , the Licensee must take all reasonable and practical measures to prevent the escape of the Licensed Species. | Replaced | <p>34—Escape and interaction prevention</p> <p>If—</p> <ul style="list-style-type: none"> (a) there is not a sector-based aquaculture strategy applying to a licensee; and (b) an individual aquaculture strategy for the licensee has not been approved by the Minister, <p>the licensee must, in the course of aquaculture carried on under the licence, take all reasonable and practical measures to prevent—</p> <ul style="list-style-type: none"> (c) the escape of the licensed species; and (d) adverse impacts on, and adverse interactions with, seabirds and large marine vertebrates. |
| Until such time as the Licensee has a written strategy approved by the Minister under regulations 18 and 20 of the <i>Aquaculture Regulations 2016</i> , the Licensee must take all reasonable and practical measures to minimise adverse interactions with seabirds and marine animals. | Replaced | |
| Until such time as the Licensee has a written strategy approved by the Minister under Regulation 19 of the <i>Aquaculture Regulations 2005</i> , the Licensee must take all reasonable and practical measures to minimise adverse interactions with seabirds and marine animals. | Replaced | |
| Until such time as the Licensee has a written strategy approved by the Minister under Regulation 19 of the <i>Aquaculture Regulations 2005</i> , the Licensee must take all reasonable and practical measures to prevent the escape of the Licensed Species. | Replaced | |
| Until such time as the Licensee has a written strategy approved by the Minister under Regulations 18 and 20 of the <i>Aquaculture Regulations 2016</i> , the Licensee must take all reasonable and practical measures to minimise the escape of the Licensed Species. | Replaced | |
| | | New condition |
| The Licensee must ensure that the corners of the Licensed Site are clearly marked with St Andrew's crosses. All St Andrew's crosses must be marked with the Licence Number. | Replaced | <p>43—Signage</p> <p>(1) This clause applies to the licence if it is specified in a schedule to the licence as intertidal.</p> <p>(2) If—</p> <ul style="list-style-type: none"> (a) farming structures are present on the licensed site; and (b) the licence boundary and an adjacent licence boundary are within 50 m of each other, <p>the licensee must install a post complying with subclause (3) within the licensed site marking the beginning of the farming structures closest to each corner of the adjacent licence boundary that is within 50 m of the licence boundary.</p> <p>(3) For the purposes of this clause a post must—</p> <ul style="list-style-type: none"> (a) extend 500 mm above mean high water; and (b) be a colour other than yellow, green or red; and (c) have a white coloured sign (being a sign 500 mm long, 75 mm wide, and marked with the licence number in 70 mm high black coloured text) attached to the top facing perpendicular to the direction of the farming infrastructure it is attached to and towards the opposite boundary of the licensed site. <p>(4) The Minister may amend this clause by Gazette notice</p> |

| INTERTIDAL AND SUBTIDAL MOLLUSC (OYSTERS) LICENCES | | |
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| Existing condition | Replaced / Deleted | New Condition |
| The Licensee must not use any device to secure oyster baskets other than hard plastic clips, unless they have been approved by the Minister. | Replaced | <p>41—Oyster farming—securing baskets</p> <p>(1) This clause applies to the licence if it authorises the farming of oyster species.</p> <p>(2) Subject to subclause (3), the licensee must not use any device other than hard plastic clips to secure oyster baskets.</p> <p>(3) The Minister may, by notice in writing, authorise a licensee to use a device other than hard plastic clips to secure oyster baskets.</p> |
| The Licensee must ensure the total number of units on the Licensed Site does not exceed 2500 baskets on racking or 4500 "BST" type longline baskets or 5000 "SEPHA" type baskets per hectare. | Replaced | <p>40—Maximum biomass—oyster</p> <p>(1) This clause applies to the licence if it authorises the farming of oyster species using contained longlines or contained racks or both.</p> <p>(2) This clause applies subject to a licence specific condition.</p> <p>(3) If the licence authorises the farming of oyster species using contained longlines, the licensee must ensure that—</p> <p>(a) in the case of farming oyster species in the Haslam (north bank) aquaculture zone—</p> <p>(i) contained longline does not exceed 4 km per hectare; and</p> <p>(ii) stocked contained longline does not exceed 3 km per hectare; and</p> <p>(b) in the case of farming oyster species in an area within an aquaculture zone identified in the <i>Aquaculture (Zones—Coffin Bay) Policy 2008</i>—contained longline does not exceed 4 km per hectare; and</p> <p>(c) in the case of farming oyster species in an area within the harbor boundary of Cowell (Franklin Harbor) (as defined in Schedule 3 of the <i>Harbors and Navigation Regulations 2009</i>)—</p> <p>(i) contained longline does not exceed 4 km per hectare; and</p> <p>(ii) stocked contained longline does not exceed 3 km per hectare; and</p> <p>(d) in the case of the farming of oyster species in any other area—contained longline does not exceed 3 km per hectare.</p> <p>(4) If the licence authorises the farming of oyster species using contained racks, the licensee must ensure that railing to which contained racks are attached does not exceed 1 km per hectare.</p> <p>(5) If the licence authorises the farming of oyster species using both contained longlines and contained racks, the addition of—</p> <p>(a) the length of contained longline used expressed as a percentage of the relevant limit of contained longline permitted under subclause (3); and</p> <p>(b) the length of contained racks used expressed as a percentage of the relevant limit of contained longline permitted under subclause (4),</p> <p>must at all times be equal to or less than 100.</p> <p>(6) The licensee must ensure that all baskets or contained racks used to hold aquaculture stock on a contained longline or railing—</p> <p>(a) are not hung below other baskets or contained racks; and</p> |
| The Licensee must ensure the total length of line or baskets on racking on the Licensed Site does not exceed four (4) kilometres of "BST" type longline with only three (3) kilometres fully stocked at any one time and one (1) kilometre of baskets on racking per hectare. | Replaced | |
| The Licensee must ensure the total length of line or baskets on racking on the Licensed Site does not exceed three (3) kilometres of "BST" type longline or one (1) kilometre of baskets on racking per hectare | Replaced | |
| The Licensee must ensure the total length of line on the Licensed Site does not exceed three (3) kilometres of "BST" type longline per hectare. | Replaced | |
| The licensee must ensure the total number of units on the Licensed Site does not exceed 1700 baskets on racking or 3000 "BST" type longline baskets or 3300 "SEPHA" type baskets per hectare. | Replaced | |

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| | | <p>(b) do not overlap with other baskets or contained racks hung on the same longline or railing; and</p> <p>(c) in the case of baskets, are not hung perpendicular between 2 separate longlines.</p> <p>(7) The Minister may amend this clause by Gazette notice.</p> |
| SUBTIDAL MOLLUSC (MUSSELS) LICENCES | | |
| Existing condition | Replaced / Deleted | New Condition |
| The Licensee must ensure the length of backbone does not exceed 560m per hectare with no more than 15 metres of submerged line per metre of backbone. | Replaced | <p>39—Maximum biomass—mussel</p> <p>(1) This clause applies to the licence if it authorises the farming of mussel species.</p> <p>(2) This clause applies subject to a licence specific condition.</p> <p>(3) The licensee must ensure that—</p> <p style="padding-left: 20px;">(a) the total length of backbone on the licensed site does not exceed 560 m per hectare; and</p> <p style="padding-left: 20px;">(b) no more than 15 m of longline, for each metre of backbone, is submerged.</p> <p>(4) The Minister may amend this clause by Gazette notice.</p> |
| SUBTIDAL MOLLUSC (ABALONE) LICENCES | | |
| Existing condition | Replaced / Deleted | New Condition |
| Farming structures are to be anchored. | Deleted | Not required, this condition is a duplication of existing requirements under regulation 25 of the Regulations. |
| Structures are to be anchored or otherwise secured to the seafloor. | Deleted | |
| FINFISH LICENCES | | |
| Existing condition | Replaced / Deleted | New Condition |
| The Licensee must ensure that the maximum biomass of the Licensed Species on the Licensed Site does not exceed 15 tonnes per Licensed Hectare. | Replaced | <p>37—Maximum biomass—finfish (other than wild caught southern bluefin tuna)</p> <p>(1) This clause applies to the licence if it authorises the farming of finfish (other than wild caught southern bluefin tuna (<i>Thunnus maccoyii</i>)).</p> <p>(2) Subject to any licence specific condition providing otherwise, the licensee must ensure that the maximum biomass of finfish on the licensed site does not exceed 15 t per licensed hectare.</p> <p>(3) The Minister may amend this clause by Gazette notice.</p> |
| TUNA LICENCES | | |
| Existing condition | Replaced / Deleted | New Condition |
| The Licensee must ensure that the maximum biomass of the propagated Southern Bluefin Tuna on the Licensed site does not exceed 6 tonnes per Licensed Hectare. | Replaced | <p>38—Maximum biomass—wild caught southern bluefin tuna</p> <p>(1) This clause applies to the licence if it authorises the farming of wild caught southern bluefin tuna (<i>Thunnus maccoyii</i>).</p> <p>(2) This clause applies subject to a licence specific condition.</p> <p>(3) The licensee must ensure that the maximum biomass of wild caught southern bluefin tuna on the licensed site does not exceed 6 t per licensed hectare.</p> <p>(4) The Minister may amend this clause by Gazette notice.</p> |
| The Licensee must ensure that the maximum biomass of the Licensed Species on the Licensed Site does not exceed 6 tonnes per Licensed Hectare. | Replaced | |

| LAND-BASED LICENCES | | |
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| Existing condition | Replaced / Deleted | New Condition |
| The Licensee must not pump water from the Licensed Site. | Replaced | <p>45—Land-based category A licence—discharge of wastewater</p> <p>(1) This clause applies to the licence if it is classified by the Minister as a category A licence under the regulations.</p> <p>(2) The licensee must not discharge or pump wastewater—</p> <ul style="list-style-type: none"> (a) off the licensed site; or (b) into State waters. |
| | | Reasoning |
| The Licensee must ensure that no exotic species are released into state waters from the Licensed Site, consistent with the requirements of s78 of the <i>Fisheries Management Act 2007</i> . | Deleted | Not required, this condition is a duplication of existing provisions under the <i>Fisheries Management Act 2007</i> . |
| | | New Condition |
| The Licensee must take all reasonable and practical measures to prevent the escape of the Licensed Species. | Replaced | <p>46—Escape prevention and reporting</p> <p>(1) The licensee must, in the course of aquaculture undertaken under the licence, take all reasonable and practical measures to prevent the escape of the licensed species.</p> <p>(2) In the event of the escape of a licensed species, the licensee must immediately notify the Minister by telephone of the escape.</p> |
| The Licensee must immediately notify the Minister of any escape of the Licensed Species. | Replaced | |