



*Fisheries Management Act 2007*  
Section 115

# APPLICATION FOR A MINISTERIAL EXEMPTION

## Application Fee \$172

01/07/2023 – 30/06/2024

**With this completed application:**

*(Please tick when complete)*

- ☐ I have enclosed the application fee of \$172.
- ☐ 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 exemption, if applicable.
- ☐ I have checked if the proposed activity will be within an aquatic reserve.
- ☐ If the proposed activity is within an aquatic reserve/s, I have also applied for a permit pursuant to sections 76 and 77 of the *Fisheries Management Act 2007* (the Act).
- ☐ I have checked if the proposed activity will be within a specially protected area (eg any area within a Marine Park, Adelaide Dolphin Sanctuary or River Murray Protected Area). I have contacted the relevant authorities to obtain information on any requirements of that area
- ☐ I have applied for a permit pursuant to section 72 (protected species) or section 78 (noxious species) if the proposed activity encompasses these species.
- ☐ 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 section 115 of the Act and the Objects of the Act provided in the 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 exemption 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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## **REASON FOR MINISTERIAL EXEMPTION**

1. Why do you require a Ministerial Exemption?

(What part(s) of the *Fisheries Management Act 2007* or regulations does the activity contravene?)

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## **PURPOSE OF PROPOSED ACTIVITY**

### 2. Describe the activities that you propose to undertake:

*(If undertaking a research project, please include project name and attach a copy of the project outline in addition to completing questions)*

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### 3. Provide the reasons for the intended activity:

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### 4. Provide details of any nominated agents who may be undertaking the activity on your behalf

*(if applicable provide their fishery authority number)*

Name	Address	Lic No

## **SPECIES AND EQUIPMENT DETAILS**

### 5. State the species and quantities of each to be collected:

*\*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)*

*\*\*\* Noxious species can be found at this link: [http://pir.sa.gov.au/biosecurity/aquatics/aquatic\\_pests/noxious\\_fish\\_list](http://pir.sa.gov.au/biosecurity/aquatics/aquatic_pests/noxious_fish_list)*

**Note that activities that involved Protected or Noxious species may also require a Ministerial Permit.**

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

6. 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

7. Describe the method intended to undertake the proposed activity:

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8. Will a boat be used to undertake the proposed activity?

Boat name	Length	Registration number	Survey details

## **LOCATION DETAILS**

9. Please identify on attachment 1 the proposed location of activity including the GPS coordinates.

☐ I have identified location on map attachment

If it is not possible to use the map or coordinates please detail the location: .....

.....

.....

10. Will the proposed activity be undertaken in any of the following specially protected areas:

(If so, please provide details)

- ☐ Aquatic Reserve: .....
- ☐ Marine Park: (any area within a Marine Park) .....
- ☐ Adelaide Dolphin Sanctuary: .....
- ☐ River Murray: .....

**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 for Environment and Water at:

<http://www.environment.sa.gov.au>

11. Do you have a permit issued by another authority for the proposed activity? If so, please provide details.

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## **TIMEFRAMES**

12. What are the proposed timeframes and dates of when the proposed activity will be undertaken:

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

## **HISTORY DETAILS**

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

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14. Have you previously been provided an exemption for the same activity as the proposed activity?  
(If so, please list the exemption number(s))

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15. 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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16. 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 - separate document may be attached)

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## ADDITIONAL INFORMATION TO SUPPORT YOUR APPLICATION

Please provide any additional information that may support your application, including any social, economic or biological considerations. In particular, please include information to demonstrate how approval of your application would further the objectives of the *Fisheries Management Act 2007*:

The statutory objectives of the *Fisheries Management Act 2007* ("the Act") are set out in section 7. Please refer to the excerpts on page 8 or internet site for further details.

Your application will be assessed against these objectives and must be consistent with fisheries management and protection arrangements that apply under the Act.

Please note that where a proposed activity will take place within the boundaries of a **specially protected area** the proposal should also fit within the objectives of the relevant Act (sub-section 7(4)). For example where a proposed activity will take place within the boundaries of a Marine Park the proposal should also fit within the objectives of the *Marine Parks Act 2007*.

Electronic copies of the *Marine Parks Act 2007*, the *Adelaide Dolphin Sanctuary Act 2005* and the *River Murray Act 2003* can be found at the following internet site:

<http://www.legislation.sa.gov.au/browseActs.aspx>

This image shows a full page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for handwriting practice. There are no margins, text, or other markings on the page.

## 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 10—Miscellaneous**

### **115—Exemptions**

- (1) Subject to this section, the Minister may, by notice in the Gazette—
  - (a) exempt a person or class of persons, subject to such conditions as the Minister thinks fit and specifies in the notice, from specified provisions of this Act; or
  - (b) vary or revoke an exemption, or a condition of an exemption, under this section or impose a further condition.
- (2) The Minister must, before making an exemption that relates to, or is to apply in respect of, a specially protected area, consult with the relevant Minister.
- (4) The Minister may not exempt a person or class of persons from a provision of a management plan or regulations for a fishery or an aboriginal traditional fishing management plan or regulations relating to aboriginal traditional fishing.
- (5) An exemption under this section operates for a period (not exceeding 12 months) specified in the notice of exemption.
- (6) A person who contravenes a condition of an exemption is guilty of an offence.

Maximum penalty: \$10 000.  
Expiation fee: \$500.

