

South Australia

AQUACULTURE REGULATIONS 2002

1.

REGULATIONS UNDER THE AQUACULTURE ACT 2001*Aquaculture Regulations 2002*

being

No. 202 of 2002: *Gaz.* 31 October 2002, p. 4003¹

¹ Came into operation 11 November 2002: reg. 2.

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Citation

1. These regulations may be cited as the *Aquaculture Regulations 2002*.

Commencement

2. These regulations will come into operation on 11 November 2002.

Interpretation

3. In these regulations, unless the contrary intention appears-

"**Act**" means the *Aquaculture Act 2001*;

"**Fund**" means the Aquaculture Resource Management Fund established under section 79 of the Act;

"**zone**" means an aquaculture zone, a prospective aquaculture zone, an aquaculture exclusion zone or an aquaculture emergency zone.

Bodies to which draft aquaculture policies must be referred (s. 12(4) (a))

4. The following bodies are prescribed as bodies to which a draft aquaculture policy and related report must be referred under section 12(4) (a) of the Act:

- (a) Aboriginal and Torres Strait Islander Commission; and
- (b) Aboriginal Legal Rights Movement Incorporated; and
- (c) Coast Protection Board; and
- (d) Conservation Council of South Australia Incorporated; and
- (e) Department for Environment and Heritage; and
- (f) Department of Human Services; and
- (g) Department of the Premier and Cabinet; and
- (h) Department of Primary Industries and Resources; and
- (i) Department of Transport and Urban Planning; and
- (j) Department of Water, Land and Biodiversity Conservation; and
- (k) Division of State Aboriginal Affairs in the Department for Administrative and Information Services; and

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- (l) Environment Protection Authority; and
- (m) Local Government Association of South Australia; and
- (n) Minister to whom the administration of the *Harbors and Navigation Act 1993* is committed; and
- (o) Office of Local Government; and
- (p) Office of Regional Development; and
- (q) Seafood Council SA; and
- (r) SA Fishing Industry Council Incorporated; and
- (s) South Australian Aquaculture Council; and
- (t) South Australian Recreational Fishing Advisory Council; and
- (u) South Australian Tourism Commission; and
- (v) if the policy is expressed to apply only in relation to one or more zones or areas-
 - (i) any Aboriginal group registered under the *Native Title (South Australia) Act 1994* as holders of, or claimants to, native title in a region comprising or forming part of a zone or area to which the policy applies; and
 - (ii) any person holding an aquaculture licence or aquaculture lease in respect of a region comprising or forming part of a zone or area to which the policy applies; and
 - (iii) any catchment water management board (within the meaning of the *Water Resources Act 1997*) responsible for a region comprising or forming part of a zone or area to which the policy applies; and
 - (iv) any local government authority responsible for a region comprising, forming part of or adjoining a zone or area to which the policy applies; and
- (w) if the policy is not expressed to apply only in relation to one or more zones or areas-
 - (i) all catchment water management boards (within the meaning of the *Water Resources Act 1997*); and

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- (ii) all local government authorities.

Transfer of production leases (s. 39(2))

5. Written notice to the Minister of transfer of a production lease under section 39 of the Act must include the following:

- (a) the full name, address and telephone number of the transferor and transferee; and
- (b) the number of the production lease.

Period within which EPA to respond to referred matter (s. 59(3))

6. For the purposes of section 59(3) of the Act, the prescribed period is 6 weeks.

Aquaculture Resource Management Fund-percentage of fees (s. 79(3))

7. For the purposes of section 79(3) of the Act-

- (a) the prescribed percentage of fees (other than expiation fees) paid under the Act is 100 percent; and
- (b) the prescribed percentage of penalties recovered in respect of offences against the Act is 100 percent.

Defect in application

8. (1) The Minister may request an applicant to remedy any defect or deficiency in an application or accompanying document or information required by or under the Act or these regulations.

(2) If an applicant in relation to whom a request has been made under subregulation (1) fails to comply with the request within 3 months of the request having been made, the Minister may refuse the application.

Records to be maintained by licence holder

9. (1) An aquaculture licence holder must maintain a **stock register**.

(2) A stock register must contain-

- (a) in respect of each live aquatic organism supplied to the licence holder-
- (i) the date on which the aquatic organism was received by the licence holder; and
- (ii) the name and address of the person who supplied the aquatic organism to the licence holder; and

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- (iii) a copy of health certification provided to the licence holder in relation to the aquatic organism; and
- (b) in respect of each live aquatic organism supplied by the licence holder to another person-
 - (i) the date on which the aquatic organism was supplied to the other person; and
 - (ii) the name and address of the person to whom the aquatic organism was supplied; and
 - (iii) a copy of health certification provided by the licence holder in relation to the aquatic organism; and
- (c) in respect of each aquatic organism kept by the licence holder-details of any prophylactic or therapeutic treatment administered to the aquatic organism by the licence holder or any other person, including-
 - (i) the reason for the treatment; and
 - (ii) the dates on which the treatment was administered; and
 - (iii) the name (including any trade or patent name) of any substance used as part of the treatment.

(3) Records maintained under this regulation must be retained for 2 years from the date of the making of the record.

(4) An aquaculture licence holder must, at the request of a fisheries officer, produce the stock register for inspection by the fisheries officer.

(5) A fisheries officer may make copies of, or take extracts from, a stock register produced for inspection under this regulation.

Periodic returns

10. An aquaculture licence holder must, on or before 31 January and 31 July in each year, furnish to the Minister a periodic return containing such information as the Minister requires in the manner and form determined by the Minister.

Fees

11. (1) The fees set out in the Schedule are prescribed for the purposes of the Act.

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(2) The Minister may waive or refund a fee (or part of a fee) payable under the Act or these regulations if satisfied it is appropriate to do so in a particular case.

Offences

12. (1) A person who contravenes or fails to comply with a provision of these regulations is guilty of an offence.

(2) A person who is guilty of an offence against these regulations is liable to a fine not exceeding \$5 000.

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SCHEDULE
Fees

1. Application for aquaculture licence (s. 49) \$100.00
2. Application to vary conditions of aquaculture licence (s. 52) \$100.00
3. Application for renewal of aquaculture licence (s. 53) no fee
4. Application to transfer aquaculture licence (s. 55) \$350.00