



# DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONS

## APPLICATION TO SURRENDER A MARINE AQUACULTURE LEASE & LICENCE

(Pursuant to Section 25C of the *Aquaculture Act 2001*)

**Applications must be lodged by:**

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

**Or**

**Mail:** PIRSA Aquaculture, GPO Box 1625, Adelaide SA 5001

**For assistance or further information:**

Telephone: (08) 8207 5332

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

Visit: <http://www.pir.sa.gov.au/aquaculture>

Lease Number:	Corresponding Licence Number/s:
Aquaculture Zone:	Hectares (Ha):

### PLEASE NOTE

- Section 25D of the *Aquaculture Act 2001* provides that where an aquaculture lease is terminated each corresponding licence will also be terminated.
- Clause 28(1)(a) of the *Aquaculture (Standard Lease and Licence Conditions) Policy 2022* states that you must rehabilitate this site prior to the expiry or sooner determination of the term of a lease to the Ministers satisfaction.

Section 58 of the *Aquaculture Act 2001* provides that the Minister may, by written notice to the licence holder or former licence holder, direct the person to remove aquaculture equipment from the State waters. Failure to comply with such a direction is an offence. If a person fails to comply with a direction within the time allowed the Minister may cause the required action to be taken and may recover the cost, as a debt, from the person. Any equipment or stock removed by action taken by the Minister is forfeited to the Crown and may be disposed of.

# 1 – INSTRUCTIONS & APPLICATION CHECKLIST

## 1.1 – INSTRUCTIONS FOR APPLICANT

- Carefully read all information contained in this application form and complete all parts of the application form in full, including all attachments;
- Write legibly using a blue or black pen, or use a software program “Fill & Sign” function;
- PIRSA Fisheries and Aquaculture may request supporting documentation or further information beyond what is contained in this application form in assessing the application;
- Incomplete applications, or those requiring additional information, may be refused if the information is not provided within three months of a request made by PIRSA Fisheries and Aquaculture.
- An application fee invoice will be generated once the completed application has been received.

## 1.2 – APPLICATION CHECKLIST TO BE COMPLETED BY LEASE AND LICENCE HOLDER

- Outstanding Fees:** Current Lease and/or Licence Holder(s) must ensure all outstanding fees owed to PIRSA are settled before any application for lease-related changes is approved. PIRSA reserves the right to withhold or refuse any applications in cases of outstanding debt.
- Environmental Monitoring Program:** This report has been submitted to PIRSA Fisheries & Aquaculture for the most recent three (3) reporting periods.
- Production Return:** This report has been submitted to PIRSA Fisheries and Aquaculture for the most recent three (3) reporting periods.
- Remove the Registration of a Nominated Specified Person:** (if applicable) Section 3 of the application has been completed.
- Rehabilitation of Site:** The lease site has been rehabilitated back to its natural state by removing all farming structures, aquaculture equipment, aquaculture stock and waste/debris.
- ASIC Company Extract:** (if the lease or licence is held by a body corporate) A current company extract, no more than 3 months old, is required with full company details including current company directors.
- Certificate of Currency for Public Liability Insurance:** A current document is attached to this application, stating the lease holder’s name, the lease number covered, showing the expiry date, be in the amount of \$10 million and noting the Minister for Primary Industries and Regional Development as an Interested Party.
- Bank Guarantee or proof of contribution to an Approved Indemnity Scheme:** A current document is attached to this application. An original Bank guarantee document in the lease holder’s name and in an amount approved by the Minister to enable full rehabilitation of an aquaculture site per lease or a current Association membership (with an approved indemnity scheme), stating the lease holder’s name, the lease number covered by the Association’s rehabilitation indemnity fund and the term of cover (start and end date). Note – an email confirmation from the Association may be required.
- I understand my lease will not be surrendered if the above requirements are not met, and lease and licence fees will continue to accrue until rehabilitation has been confirmed.**

I understand that **my application will be refused if I have outstanding fees** with PIRSA.

## 2 – LEASE & LICENCE HOLDER CONTACT DETAILS

### 2.1 – TO BE COMPLETED BY THE LEASE HOLDER

Name of lease holder/s: .....

Telephone number: .....

Mobile number: .....

Email address: .....

Postal address .....

Suburb: ..... State ..... Post Code .....

### 2.2 – TO BE COMPLETED BY THE LICENCE HOLDER

Name of licence holder/s: .....

Telephone number: .....

Mobile number: .....

Email address: .....

Postal address .....

Suburb: ..... State ..... Post Code .....

(continue next page)

## 3 – REMOVING THE INTEREST OF A NOMINATED SPECIFIED PERSON

To be completed by the nominated specified person (if applicable)

A nominated specified person is a person or company who is recorded as having an interest in a specified aquaculture lease and/or licence. This interest is currently recorded on the public register established by section 80 of the *Aquaculture Act 2001*.

This application is to have the notation of this interest **removed** from the register.

Lease and/or Licence numbers to which interest relates: .....

Full Name of Specified Person (First Name, Company Name or Bank):

.....

**(If the Interest Holder is a Bank)** Full Name of Bank representative:

..... Position within bank: .....

Official Bank Stamp:

**(If the interest holder is a Company)** Full Name of the Director completing this form on behalf of the company:

.....

Please attach a current ASIC Company extract no more than 3 months old from lodging this application. The extract should list the details of all directors of the company.

Address: .....

Suburb: ..... State ..... Post Code .....

As a nominated specified person recorded on the Aquaculture Public Register as having an interest in the above named lease, I consent to have the notation of this interest removed and the lease surrendered.

Signed..... Date ...../...../.....

## 4 – SITE REHABILITATION

**PLEASE NOTE**

- Clause 28(1)(a) of the *Aquaculture (Standard Lease and Licence Conditions) Policy 2022* states that you must rehabilitate this site prior to the expiry or sooner determination of the term of a lease to the Ministers satisfaction.

Following submission of this surrender form, an inspection of your site by a Fisheries Officer will be conducted to confirm rehabilitation has been completed. Note annual lease and licence fees will continue to be accrued until rehabilitation is confirmed.

I confirm that rehabilitation has been completed, including the removal of all farming structures, aquaculture equipment, aquaculture stock and waste/debris from the lease area.

Rehabilitation completion date:        /        /

Signature: .....

Name: .....

## 5 – INTENTION TO SURRENDER

It is a requirement of your lease to give notice to the Minister of your intention to surrender your lease.

### PLEASE NOTE

- Section 25D of the *Aquaculture Act 2001* provides that where an aquaculture lease is terminated each corresponding licence will also be terminated.

Yes, I wish to surrender my aquaculture lease.

Yes, I have notified the corresponding licence holder/s of my wish to surrender my aquaculture lease.

### Corresponding Licence holder/s acknowledgement:

Full Name: ..... Signature: ..... Date: .... /...../.....

Full Name: ..... Signature: ..... Date: .... /...../.....

Full Name: ..... Signature: ..... Date: .... /...../.....

Full Name: ..... Signature: ..... Date: .... /...../.....

## 6 – DECLARATION BY LEASE HOLDER

To be completed by all lease holders Individual/s and/or Company/Body Corporate Directors

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under the *Aquaculture Act 2001*.

**Maximum penalty: \$5,000**

All parties who have an interest in the lease registered by notation on the public register established by section 80 of the *Aquaculture Act 2001* have provided their consent to this surrender.

**I/We seek the Minister’s consent to surrender this lease and corresponding licence/s.**

**I/We declare that the information provided in this form is true and accurate.**

### PLEASE NOTE

**If the lease is held by individual/s**, the signature of all individual/s is required.

**If the lease is held by a company/body corporate**, one of the following is required:

- The signature of two directors of the company; or
- The signature of a director and a company secretary; or
- If the company has a sole director who is also the sole company secretary, that director.

These requirements apply to all company applicants where multiple companies hold the lease.

Full Name: ..... Signature: ..... Date: .... /...../.....

Full Name: ..... Signature: ..... Date: .... /...../.....

Full Name: ..... Signature: ..... Date: .... /...../.....

Full Name: ..... Signature: ..... Date: .... /...../.....