

STATEMENT OF DECISION

APPLICATION TO VARY AN AQUACULTURE LICENCE

File Number: fA36829
Applicant: Pelsaert (WA) Pty Ltd - Latitude Pearls
Application Date: 19th August 2021
Application Type: Variation of an Authorisation

This Statement of Decision should be read in conjunction with the document entitled *Assessment Criteria for the Grant or Variation of an Aquaculture Licence – Explanatory Notes*, which provides explanations, comments and additional information relating to Statements of Decision made in respect of applications for grant or variation of aquaculture licences. The document is available at:

http://www.fish.wa.gov.au/Documents/Aquaculture/sod_assessment_criteria_explanatory_notes.pdf

1. DETAILS OF THE APPLICATION

Background facts

Pelsaert (WA) Pty Ltd - Latitude Pearls (ACN 116 859 593) ("Pelsaert") is the holder of Aquaculture Licence No.1540 ("the Licence")

The Licence authorises the culture of:

Sea cucumbers (<i>Actinopyga</i> spp),	Akoya pearl oyster (<i>Pinctada fucata</i>),	Sea urchins (<i>Tripneustes gratilla</i>),	Seaweed (<i>Cladosiphon</i>),
Sea cucumber (sandfish) (<i>Holothuria scabra</i>),	Bat wing pearl oyster (<i>Pteria penguin</i>)	Sea urchins (<i>Tripneustes</i> spp.)	Seaweed (<i>Pterocladia lucida</i>),
Beche-de-mer (<i>Holothuriidae</i> spp),	Black lip pearl oyster (<i>Pinctada margaritifera</i>)	Sea urchins (<i>Tripneustes</i> spp.),	
Hymedesmiidae (Order <i>Poecilosclerida</i>),	Rock oyster	Clams (<i>Tapes dorsatus</i>),	
Irciniidae (Order <i>Dictyoceratida</i>),	Shark Bay pearl oyster (<i>Pinctada albina</i>),	Clams (<i>Tapes literautus</i>)	
<i>Latrunculiidae</i> (Order <i>Poecilosclerida</i>),	Balloti saucer scallop (<i>Amusium balloti</i>),	Clams (<i>Tridacna maxima</i>),	
Mycalidae (Order <i>Poecilosclerida</i>)	Crinkly scallop (<i>Chlamys australis</i>)	Clams (<i>Tridacna squamosa</i>),	
<i>Spongiidae</i> (Order <i>Dictyoceratida</i>),		<i>Tridacna Derasa</i> (Giant Clam)	
<i>Thorectidae</i> (Order <i>Dictyoceratida</i>) (Sponge)			

Under the Licence the authorised site is located off Pelsaert Island in the Abrolhos Islands (**Attachment 1**).

Details of the Licence variation application

On 19 August 2021, Pelsaert made an application to the CEO of the Department of Primary Industries and Regional Development ("Department") under s.142 of the *Fish Resources Management Act 1994* ("the Act"), for the variation of its Licence. The application fee, an updated Management and Environmental Monitoring Plan ("MEMP") and additional information were submitted with the application.

In its application, Pelsaert seeks to vary the list of species authorised to be cultured (in Schedule 1 of the Licence) to include the following species:

Asparagopsis spp., *Gracilaria* spp., *Gelidium* spp., *Laurencia* spp., *Meristotheca* spp., *Solieria* spp., *Porphyra* spp., *Portieria* spp., *Pterocladia* spp., *Pyropia* spp., *Cladosiphon* spp., *Sargassum* spp., *Ecklonia* spp., *Caulerpa* spp., *Enteromorpha* spp., *Halimeda* spp. and *Ulva* spp.

2. RELEVANT CRITERIA TO BE SATISFIED

Consultation was undertaken according to the process set out in *Administrative Guideline No. 1 Assessment of Applications for Authorisations for Aquaculture and Pearling in Coastal Waters of Western Australia, August 2017* ("AG1"); that is, with relevant Government agencies and representative community and industry groups and included the opportunity for public comment. **Attachment 2** provides a summary of the consultation process.

I have read and considered **Attachment 2**. Where relevant, those matters arising out of the consultation process that are of greater significance are referred to below.

The matters arising by reason of s.92 and s.92A of the Act are twofold:

1. The criteria specified in s.92(1) of the Act; and
2. The Management and Environmental Monitoring Plan ("MEMP").

2.1 Criteria in s.92(1)

(a) "Fit and proper person"

Considerations relevant to the "fit and proper person" criterion by reference to the key concepts of knowledge, honesty and ability are set out below.

- Knowledge

A licence holder since 1998, Pelsaert has a successful history in carrying out aquaculture at the Abrolhos Islands, producing Akoya and black lip pearl oysters. The proponent has previously been a key partner in a Fisheries and Research

Development Committee (FRDC) project (FRDC 2007/216) *Develop the non-maxima pearl industry at the Abrolhos Islands* (*Pinctada imbricata*). The project was successfully completed in 2011 and met all milestones and remained within budget. The company has extensive knowledge in aquaculture business, fishing, aquaculture management and research and development (R&D); it also has a well-established and successful pearl sales market in local and domestic markets and through the establishment of its own jewellery retail facility.

- Honesty

I have no reason to believe Pelsaert does not meet the concept of honesty.

- Ability

Pelsaert has operated under the requirements of the Act and its Licence conditions. Led by an operations manager with over 20 years' experience in the aquaculture industry, the company has extensive aquaculture knowledge with demonstrated experience in aquaculture R&D, in part through partnership on the above-mentioned FRDC project. In respect of R&D, experience and skills for seaweed aquaculture, the company is being advised by an experienced aquaculture consultant who is familiar with working at the Abrolhos Islands.

With respect to the matter of persons acting on behalf of the licence holder, Pelsaert is a company and accordingly must act through natural person agents. These persons are the officers (such as directors) and employees of the company. The Licence does not authorise persons to act "on behalf of" Pelsaert, so cannot authorise independent contractors or "lessees" to carry out aquaculture. Pelsaert has been an established company for some years, so can be assumed to understand relevant principles of agency.

Based on my consideration of the matters set out above and the information that is before me, on balance, I consider Pelsaert is "fit and proper" to hold a licence to conduct aquaculture of the proposed species at the authorised site.

(b) Tenure

Pelsaert has submitted an aquaculture lease application under s.97 of the Act in respect of the License.

Accordingly, I consider that Pelsaert will have appropriate tenure over the authorised sites.

(c) Better interests

Pelsaert currently employs two aquaculture assistants and plans to collaborate with various scientific research institutions such as the University of Western Australia (UWA), providing opportunities for hands-on training and work experience in the aquaculture industry and contributing to scientific information that can assist with future aquaculture proposals. This information will include contributing to seaweed research by working with species considered to have high value extracts including

Asapargopsis species. Pelsaert proposes to expand operations by employing up to four additional employees.

Pelsaert support both Abrolhos Aquaculture Australia Pty Ltd (AAA) and the Albany Shellfish Hatchery (ASH) through the purchase of oyster spat. With a retail facility in Geraldton, Latitude Pearls provides economic benefits to the State and region. The aquaculture of seaweed at the Abrolhos Islands and within Western Australia will provide employment opportunities. The seaweed aquaculture industry is an emerging business, with little currently known about natural abundance, distribution, seasonal dynamics and cultivation techniques. Pelsaert's seaweed aquaculture proposal will therefore contribute to industry knowledge for the commercial aquaculture of seaweed species, within the State and nationally.

By reason of the above considerations, I am of the view that the grant of the application would be in the better interests of the State and community.

(d) Whether the proposed activities are unlikely to adversely affect other fish or the aquatic environment

The main considerations in respect of whether the proposed activities will adversely affect other fish or the aquatic environment are discussed below.

1. Genetics, disease and pests

Genetics is not an issue because the proposal does not contemplate introducing new genetic combinations.

In respect of diseases and pests, Pelsaert operates under controls imposed through licence conditions and a MEMP, which include biosecurity protocols and procedures. These controls are based on the requirement to demonstrate low risk of disease and pest introduction and spread.

a. Disease introduction

I have a high level of confidence in the ability of Pelsaert to detect known disease agents.

I am not aware of any reported introduction of disease pathogens caused by movement of fish to the site. I note that occasionally the Department Diagnostics and Laboratory Services ("DDLs") may wish to undertake disease testing in the absence of a reported disease event and that these requirements may change from time to time, taking into account the diseases of interest, the characteristics of the tests available and the required confidence in the result as determined by a risk assessment. A licence condition will be imposed to enable DDLs to determine requirements for disease testing.

Given the biosecurity protocols in place for the existing site and the controls imposed, or that may be imposed, over the movement of the proposed species, I consider the threat of disease introduction to be low.

I note that any movements to the site will require health certification, which would deal with disease risk.

Pelsaert proposes to collect seaweed broodstock from aquaculture gear deployed within the licensed site. Should Pelsaert wish to collect broodstock from the benthic environment at the licenced site or from surrounding wild populations, a Ministerial Exemption will be sought.

I consider the threat of disease being introduced to the site and surrounding areas generally to be low, given the biosecurity protocols in place and the controls imposed, or that may be imposed, over the movement of the fish to the site.

b. Disease development in situ

I have noted that aquaculture has been carried out at the existing site at Pelsaert Island for many years. I am not aware of any reports of significant disease outbreaks during that period.

I am also mindful of the conditions to be imposed on the Licence in respect of disease reporting requirements and the biosecurity provisions set out in the MEMP.

Therefore, I consider the risk of disease outbreak at the site and the spreading of disease from the site to be generally low, given the biosecurity protocols in place and the controls imposed, or that may be imposed, over the species being grown at the site.

2. Aquaculture gear

a. Impact of the aquaculture gear

The types of longlines Pelsaert uses to culture Akoya, blacklip and penguin pearl oysters will also be used for seaweed aquaculture. The anchoring systems for the longlines are designed to minimise the impact on the benthic environment. The loglines have been in operation at the licensed site for over 20 years and there have been no reports of wildlife entanglement in that time. Aquaculture gear is continually maintained and improved to meet industry standards.

Therefore, I consider that there would be minimal environmental impact arising from the use of the described aquaculture gear.

b. Removal of the aquaculture gear

In the event of aquaculture ceasing, any issues concerning the clean-up and rehabilitation of the sites would be covered by the relevant provisions of the Act.

3. Environmental impact

I note that it is in the best commercial interest of Pelsaert to maintain a healthy environment and ensure any ongoing environmental impact is adequately monitored

and managed. The monitoring and management of environmental factors is a separate issue dealt with in the MEMP section below.

I have noted that the proposed species will not require supplementary feeding; consequently, there will be no increase in nutrient levels arising from the introduction of manufactured feeds. I therefore consider the proposed species will have minimal impact on the surrounding environment. Pelsaert (WA) Pty Ltd will be conducting water quality and sediment monitoring, to assess any potential impacts on primary productivity caused by the aquaculture operations.

Therefore, I consider that the matter of environmental impact has been sufficiently addressed through environmental monitoring and management controls provided in the MEMP and conditions of the Licence.

4. Visual amenity and noise pollution

The proposed project will not have any negative impact on visual amenity and will not result in any noise pollution.

After considering the relevant issues regarding s.92(1)(c), I am satisfied the proposed activities are unlikely to affect other fish or the aquatic environment and can be managed through the MEMP and conditions imposed on the licence under s.95 of the Act.

(e) Whether the proposed activities have been approved by other relevant authorities

S.92(1)(d) requires the CEO to be satisfied that the proposed activities have been approved by relevant authorities.

I have not identified any other relevant authority that needs to provide approval.

(f) Other matters prescribed

S.92(1)(e) requires the CEO to be satisfied of any other matters prescribed for the purposes of s.92(1). There are no other prescribed matters.

Therefore, I am satisfied of the criteria in s.92(1) of the Act, in respect of the variation application.

2.2 The MEMP

Pelsaert has an existing MEMP in respect of its Licence. That MEMP has been amended to apply to the activities proposed under the variation to the Licence.

As such, I approve the MEMP provided by Pelsaert (**Attachment 3**), noting the licence condition requiring a full MEMP review to be undertaken in two years from the date of approval. The MEMP review may incorporate further environmental monitoring

parameters regarding seaweed aquaculture in line with the progressive development of a Seaweed Aquaculture Policy.

In respect of the public availability of the MEMP, I note that under s.250(1)(c) of the Act, a MEMP lodged under the Act is “confidential information” and cannot be divulged by the Department.

3. DISCRETION TO VARY – MERITS OF THE APPLICATION

In considering the exercise of discretion I give regard to the merits of the application. That requires balancing the opposing considerations against the supporting considerations. For any detrimental factors, I give regard to how detriments may be minimised and controlled.

3.1 Potential disadvantages of variation

(a) Genetics, diseases and pests

I have considered the issue of genetics earlier at part 2.1(d)(1) of this decision, including interbreeding, and concluded genetic issues will be unlikely to have any detrimental impact.

I have considered the issue of disease introduction earlier at part 2.1(d)(1) of this decision and concluded sufficient controls will be in place and that this issue will be unlikely to have any detrimental impact.

To address the risk of disease development *in situ*, additional testing of the proposed species at the licensed site can be required through Licence conditions.

I have noted the issue cannot be about eliminating all risk; otherwise, aquaculture operations in the marine environment would not be able to proceed. That is contrary to the object and operation of the Act. The task, therefore, is to reduce the risk of disease outbreak to an appropriately low level by identifying and assessing biosecurity, environmental and other risks and implementing management strategies and controls to reduce the risks. This is addressed primarily through biosecurity controls imposed through the MEMP and licence conditions.

(b) Environmental impact

The MEMP provides an environmental monitoring program developed to ensure the proposed aquaculture activity will be unlikely to have any significant impact on the environment and that any impacts that may occur will be managed effectively.

Seaweed aquaculture in Western Australia is an emerging industry with policy for this type of aquaculture being in the interim phase at the time of this application. It is expected that the MEMP may undergo a full review two years from the date of approval. The review will ensure that the MEMP meets all necessary environmental monitoring parameters to maintain sustainability and ensure environmental risk is mitigated as the seaweed aquaculture industry grows.

Pelsaert aims to establish a commercial seaweed operation to complement its already-successful aquaculture business. All operations including any R&D are carried so that practices are continually improved and to ensure sustainability.

The strong environmental sustainability focus of the company is demonstrated through many of its business practices, which include the “Flotsam and Jetsam” initiative that engages with the local community to clear debris from the Abrolhos Islands.

There are no identified sensitive habitats within the licensed site; the benthic environment is predominantly sand. Pelsaert uses anchor systems that reduce impact to the benthic environment. Longlines will be deployed with sufficient separation to mitigate the effects of shading on the benthic environment. Should environmental monitoring detect an impact on surrounding sediments, appropriate response protocols have been identified in the MEMP. Only seaweeds that naturally occur in the area will be cultured and the MEMP has allowed for a risk assessment to be carried out regarding stocking density of all species on the licence, their compatibility with each other and any potential impact to the wild populations. Because there will be no supplementary feeding, changes to the surrounding water chemistry will be minimal.

The MEMP identifies an environmental monitoring program, which will form the basis of an annual report that will be submitted to the Department in line with standard license conditions.

Given the information provided in the MEMP, I am of the view that the proposed aquaculture activity could be implemented without significant deleterious impacts on the environment. Existing aquaculture legislation and adaptive management mechanisms provide further confidence that the aquaculture industry can be developed sustainably.

Given the information set out above, I am of the view there are sufficient controls in place to manage any environmental impact

(c) Impact on compliance and resourcing

I do not consider that compliance activities undertaken to enforce the varied licence conditions in this case will be unduly onerous, as they should fall within the usual activities of the Department.

(d) Whether the proposal involves limitation on access to the proposed waters.

The variation to the Licence is for the addition of species, so even with the placement of additional longlines, the variation will not limit access to waters.

(e) The possible impact on navigation

The Department referred the proposal to the Department of Transport, which considered the site to be a Category 1 as defined in the document “Guidance

Statement for Evaluating & Determining Categories of Marking and Lighting for Aquaculture and Pearling Leases/Licences 2019”.

(f) The possible impact on recreational fishing

The variation to the Licence is for the addition of species, so the variation will not have any impact on recreational fishing.

(g) The possible impact on commercial fishing and other commercial activities including tourism

The variation to the Licence is for the addition of species, so, as with recreational fishing, the variation will not have any impact on commercial fishing.

3.2 Potential advantages of variation

(a) Suitability of the location for aquaculture and proximity to existing operation

There are numerous reasons why the site location is suitable for the proposed activity, including that the natural features of the sites satisfy the biological requirements for growing the proposed species. The licensed site has been operation for over 20 years and all species occur naturally within the local environment.

I am of the view that, for the reasons set out above, the location is suitable for the aquaculture of the proposed species.

(b) Very low impact on other users of the resource (providing disease issues are dealt with)

For the reasons set out above, the granting of the variation to the Licence would not have any impact on other users of the resource.

The proposal has no impact on visual amenity and noise pollution.

I have noted that the proposal was developed in consultation with a range of stakeholders.

Providing that disease issues are dealt with, I have formed the view that the proposal will have little to no impact on other users of the resource.

(c) Potential economic benefits for the State

The establishment of aquaculture operations in regional areas has the potential to add to the economic growth of the region and increase local employment. Existing aquaculture farms around the State are already providing employment opportunities.

I have considered the issue of economic benefits for the State earlier at part 2.1(c) of this decision.

(d) Contribution to ongoing development of science and knowledge of aquaculture

Information generated from the expansion of aquaculture activities at the site would contribute to the ongoing development of the science and knowledge about aquaculture, in part by providing data pertaining to environmental impact of activities of this nature on the key identified environmental factors at this type of site; namely, the distribution and abundance of seaweed species, benthic communities and habitat, marine environmental quality, monitoring and marine fauna.

The science developed from the proposal would not only increase the efficiency of the commercial activity, but also provide a basis for adaptive management by the Department and assist further development of seaweed aquaculture policy.

(e) No impact on native title

There is no impact on Native Title.

In respect of the various issues opposing and in favour of the proposal, I am satisfied the benefits outweigh the disadvantages and that the risks, possible detriments and other issues associated with the proposed licence variation can be managed by licence conditions and the MEMP.

4. LICENCE CONDITIONS

The conditions on the Licence being varied have been reviewed and the new conditions will be as set out below.

The Department has liaised with Pelsaert over the licence conditions. The indicative (intended) substance of the licence conditions is as follows.

LICENCE CONDITIONS

1. Interpretation

(1) In the conditions on this licence –

DPIRD means the Department of Primary Industries and Regional Development;

Pathologist means an employee of, or contractor to, a laboratory facility that is accredited for Anatomical Pathology testing by the National Association of Testing Authorities, Australia, and who is a registered veterinarian with relevant post graduate qualifications in diagnostic procedures;

DPIRD Pathologist means the officer(s) occupying a Veterinary Pathologist or Aquatic Veterinary Pathologist position in the DPIRD's Diagnostics and Laboratory Services (DDLs); and

site means the area specified in Schedule 2 of this licence.

(2) The following terms used in the conditions on this licence have the same meaning as in the *Fish Resources Management Act 1994* –

- aquaculture lease;
- CEO;
- Department;
- record.

2. Requirement for legal right to authorise activity.

The holder of this licence must always maintain in force, the legal right to use the site. The legal right to use the site must be a lease or licence granted in accordance with the power conferred under the *Land Administration Act 1997*, or under section 92 or 97 of the *Fish Resources Management Act 1994*.

3. Movement of fish to and from the site

- (1) The licence holder must not move fish to and from the site unless –
- (a) the licence holder has received a health certificate from a Pathologist in respect of all fish being moved from the site; and
 - (b) where the health certificate has been provided by a Pathologist that is not a DPIRD Pathologist, the licence holder has received written confirmation from a DPIRD Pathologist that the health certificate is satisfactory.
- (2) The licence holder must ensure:
- (a) that any fish moved to and from the site are only moved during the period for which the health certificate received under condition (1) (a) and (b) is valid and always accompanied by a copy of the health certificate; and
 - (b) Advance notification of the movements is given to DPIRD by calling 1300 278 292 (all hours).
- (3) The cost of testing carried out under condition (1) (a) and (b) will be borne by the licence holder.
- (4) Conditions (1) (a) and (b) do not apply to fish being moved to the aquaculture licensed site if originating from the same location as defined in Schedule 2 of this licence.
- (5) Condition (1) does not apply to fish being moved from the site -
- (a) for the purposes of processing or sale for consumption; or
 - (b) for the purpose of research if the fish are being moved to a licenced land-based aquaculture facility; or
 - (c) if they are broodstock being moved to a licensed land-based aquaculture facility; or
 - (d) if they are mortalities or fish waste that are being removed for the purposes of disposal;

- (e) if the fish are being moved from one licenced site to another in and around the Houtman Abrolhos Islands; or
 - (f) if the movement of fish has the prior written approval of the CEO; or
 - (g) for the purpose of testing for quality assurance programs.
- (6) In addition to condition (1) (a) and (b), the licence holder must ensure that additional samples of fish are submitted to the DPIRD Diagnostics and Laboratory Services for disease testing, if required in writing by a DPIRD Pathologist. The cost of the testing undertaken will be borne by the licence holder that produced the fish.

4. Disease, mortality and pest reporting

Where the licence holder –

- (1) suspects that any fish at the site are affected by disease (including any suspicion or detection of a declared pest, or suspicion or knowledge that fish are infected with a declared pest, (as defined under the *Biosecurity and Agriculture Management Act 2007*); or
- (2) becomes aware of any significant or unusually high levels of fish mortality, caused by disease or otherwise, the licence holder must -
 - (a) Report to DPIRD as soon as practicable (and within 24 hours) by calling 1300 278 292 (all hours) the level of mortality, signs of disease or reason for suspecting the presence of a disease or declared pest; and
 - (b) follow the directions of the DPIRD's Diagnostics and Laboratory Services in relation to providing reports, samples of fish, or any other relevant item; and
 - (c) Collect, retain, and provide suitable samples of the fish for confirmatory testing as instructed by the DPIRD Diagnostics and Laboratory Services.

5. Management and Environmental Monitoring Plan (MEMP) Compliance Audit

An independent audit of compliance with the MEMP must be commissioned and carried out by the licence holder, at the expense of the licence holder, within four months of being directed in writing by the CEO to commission the audit. A copy of any interim and final audit report must be delivered to the CEO within seven days of being received by the licence holder.

6. MEMP Report

The licence holder must:

- (1) at all times comply with and implement the latest MEMP prepared by the licence holder, and delivered to the Department; and

- (2) before 31 July each year, submit to the CEO, a written annual report on its activities conducted under the MEMP during the year, which must include all results of management and monitoring activities to 1 July.
- (3) ensure that the MEMP is updated every two years at the time the licence is renewed and submitted to the CEO for approval.
- (4) ensure that a species listed in Schedule 1 of this licence is not present at the location listed in Schedule 2 unless:
 - (a) A risk assessment for that species has been included in the current MEMP; or
 - (b) The MEMP is updated with a risk assessment for that species and has been submitted to the CEO for approval.

7. Marking and Lighting

- (1) Marking and lighting of the marine site must be installed and maintained in accordance with Category 4 as set out in the document "*Guidance Statement for Evaluating and Determining Categories of Marking and Lighting for Aquaculture and Pearling Leases/ Licences (2019)*".
- (2) The marking and lighting required under paragraph (1) must be installed before any aquaculture activity is undertaken at the site.
- (3) No marking is required if the site is only used for bottom culture where to top of the aquaculture gear is at least five metres below the surface at lowest tide.

8. Aquaculture gear

- (1) Aquaculture gear must be used in such a way that it does not damage any reef, coral or seagrass bed.
- (2) The holder of the licence must ensure that all aquaculture gear is located within the boundaries of the site, and maintained in a safe, secure and seaworthy condition; and all floating aquaculture gear, including ropes and buoys, must be fastened securely.
- (3) Upon termination, non-renewal of the licence or cessation of the aquaculture activity, the licence holder must remove from the area all property, aquaculture gear, refuse and debris belonging to the licence holder and restore the area to a condition approved by the CEO.
- (4) Aquaculture gear that is to be moved from one location to another must be cleaned and completely air dried and biological waste disposed of on land prior to being installed in its new location. The licence holder can contact Aquatic Pest Biosecurity (aquatic.biosecurity@dpird.wa.gov.au) for guidance.

9. Use of aquaculture gear for the collection of seed stock

The licence holder must ensure that:

- (a) any aquaculture gear placed on the site for the purpose of the collection of seed stock is only placed within the boundary of the site as set down in Schedule 2 of this licence; and
- (b) accurate records are made and kept of the estimated weight collected, numbers of seed stock harvested, and the quantity of aquaculture gear used to collect, and make those records available to an authorised DPIRD Fisheries Officer at any time.

10. Record keeping

- (1) The licence holder must make accurate and timely records of –
 - (a) the aquaculture gear used at the site;
 - (b) the movement of fish to each type of aquaculture gear, including –
 - i. the estimated average weight and numbers of the fish moved;
 - ii. the time and date the movement took place; and
 - iii. any mortalities of fish that occurred during the movement;
 - (c) the estimated weight and numbers of fish being kept on or in each type of gear at the site;
 - (d) the estimated weight and numbers of fish harvested from each type of aquaculture gear at the site;
 - (e) all mortalities at the site, both in total and as a percentage of total stock held at the site at the time; and
 - (f) all health certificates issued to the licence holder by a Pathologist.
- (2) The licence holder must keep the records made under paragraph (1) in a secure place at the licence holder's registered place of business for a period of seven years.
- (3) Records under paragraph (1) must be available to an authorised DPIRD Fisheries Officer at any time.

11. Jetties

- (1) No aquaculture activity is to be conducted on or above any jetty unless the jetty has been assessed by a qualified structural engineer, and the engineer has issued a certificate specifying the working load limit of the jetty.
- (2) No aquaculture activity is to be conducted on or above any jetty unless a copy of the working load limit certificate is kept at the jetty for inspection at any time by any DPIRD Fisheries Officer and the working load limit specified in the certificate is not being exceeded. The original certificate must be kept safe and secure as a record of compliance with this condition.

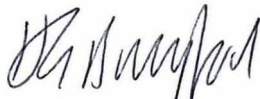
12. Interaction with protected species

Any interactions between any aquaculture gear at the site and any protected species, including entangles or stranded animals must be immediately reported to the Department of Biodiversity, Conservation and Attractions (DBCA) Wildcare Hotline on (08) 94749055 (24hr emergency number), the DBCA's Nature Protection Branch on (08) 9219 9837 and the local DBCA District Office.

DECISION

On the basis of the above and subject to the amendment of the licence by imposing conditions referred to above, I have decided to vary the Aquaculture Licence No.1540, submitted by Pelsaert to include various seaweed species

I have also decided to delete the existing conditions on the Licence and impose new conditions on the Licence under s.95 of the Act. The new conditions to be imposed are as set out above at part 4 of this statement of decision.



Heather Brayford

DEPUTY DIRECTOR GENERAL, Sustainability and Biosecurity

As delegate of the CEO, Department of Primary Industries and Regional Development

Dated this 12 day of May 2022

I hereby give instruction for notice of the decision to vary the Licence under s.142 of the Act and impose conditions under s.95 of the Act to be advertised in the West Australian newspaper in accordance with s.148 of the *Fish Resources Management Act 1994*