



Our ref: CORP F2016/000757

RECORDS & INFORMATION
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9 March 2017

Mr Dan Monceaux
3/15 Myall Avenue
KENSINGTON GARDENS SA 5068

Dear Mr Monceaux

Determination under the *Freedom of Information Act 1991*

I refer to your application made under the *Freedom of Information Act 1991* received by Primary Industries and Regions SA (PIRSA) on 16 December 2016 seeking access to the following:

“electronic copies (scans) of all records and reports which quantify the volume of yellowtail kingfish held, tonnes harvested and/or fish mortalities from Fitzgerald Bay finfish aquaculture zones during the period 1998 through 2012.”

Your application became valid on 20 December 2016, following the receipt of the application fee. I apologise for the delay in responding and understand that you have been in communications with PIRSA's Freedom of Information and Privacy Officer regarding the progress of your application.

Accordingly, the following determination has been finalised.

I have located forty-one documents that are captured within the scope of your request.

Determination 1

I have determined that access to the following documents is **granted in full**:

Doc No.	Description of document	No. of Pages
38	Report titled “PIRSA Aquaculture: A Response to Environmental Concerns of Yellowtail Kingfish Farming in South Australia and Some General Perceptions of Aquaculture”	14
39	Overview of king fish health issues – draft paragraphs for SARDI cuttlefish report	1
41	Report titled “Addressing Key Aquatic Animal Health Issues Limiting Production of Australian Yellowtail Kingfish and Hatchery-Reared Southern Bluefin Tuna Industries” August 2012	150

Please note that Document 41 can be accessed at the following address:

http://www.seafoodcrc.com/components/com_virtuemart/attachments/2008-711%20Clarke.pdf

Determination 2

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
1	South Australian Aquaculture Management - Environmental Monitoring Report 2001-2002 – Fitzgerald Bay May 2002	18
2	South Australian Aquaculture Management - Environmental Monitoring Report 2003-2004 – Fitzgerald Bay March 2004	15
3	South Australian Aquaculture Management - Environmental Monitoring Report 2004-2005 – Fitzgerald Bay May 2005	14
4	Finfish Aquaculture Environmental Monitoring Program Report 2005-2006 dated 7/9/2007	7
5	Finfish Aquaculture Environmental Monitoring Program Report 2005-2006 dated 7/9/2007	7
6	Finfish Aquaculture Environmental Monitoring Program Report 2005-2006 dated 7/9/2007	7
7	Finfish Aquaculture Environmental Monitoring Program Report 2005-2006 received 2/8/2007	4
8	Finfish Aquaculture Environmental Monitoring Program Report 2006-2007 dated 7/3/2008	10
9	Finfish Aquaculture Environmental Monitoring Program Report 2006-2007 dated 7/3/2008	10
10	Finfish Aquaculture Environmental Monitoring Program Report 2006-2007 dated 28/2/2008	11
11	Finfish Aquaculture Environmental Monitoring Program Report 2007-2008 dated 30/1/2009	10
12	Finfish Aquaculture Environmental Monitoring Program Report 2007-2008 dated 30/1/2009	10
13	Finfish Aquaculture Environmental Monitoring Program Report 2007-2008 dated 30/1/2009	10
14	Finfish Aquaculture Environmental Monitoring Program Report 2007-2008 dated 31/1/2009	11
15	Finfish Aquaculture Environmental Monitoring Program Report 2008-2009 dated 5/2/2010	10
16	Finfish Aquaculture Environmental Monitoring Program Report 2008-2009 dated 5/2/2010	10
17	Finfish Aquaculture Environmental Monitoring Program Report 2007-2008 dated 31/1/2009	11
18	Finfish Aquaculture Environmental Monitoring Program Report 2008-2009 dated 5/2/2010	10

19	Finfish Aquaculture Environmental Monitoring Program Report 2009-2010 dated 3/3/2011	12
20	Finfish Aquaculture Environmental Monitoring Program Report 2009-2010 dated 3/3/2011	12
21	Finfish Aquaculture Environmental Monitoring Program Report 2009-2010 dated 3/3/2011	12
22	Finfish Aquaculture Environmental Monitoring Program Report 2009-2010 dated 28/2/2011	16
23	Finfish Aquaculture Environmental Monitoring Program Report 2010-2011 dated 28/2/2012	14
24	Finfish Aquaculture Environmental Monitoring Program Report 2010-2011 dated 28/2/2012	14
25	Finfish Aquaculture Environmental Monitoring Program Report 2010-2011 dated 28/2/2012	14
26	Finfish Aquaculture Environmental Monitoring Program Report 2010-2011 dated 20/1/2012	16
27	Finfish Aquaculture Environmental Monitoring Program Report 2011-2012 dated 14/2/2013	13
28	Finfish Production Return 1 July 2004 to 30 June 2005 dated 22/8/2005	4
29	Finfish Production Return 1 July 2004 to 30 June 2005 dated 11/9/2005	4
30	Finfish Production Return 2007/2008 dated 21/7/2008	3
31	Finfish Production Return 2008/2009 dated 27/8/2009	3
32	Finfish Production Return 2008/2009 dated 14/7/2009	3
33	Finfish Production Return 2009/2010 dated 13/9/2010	4
34	Finfish Production Return 2009/2010 dated 21/8/2010	4
35	Finfish Aquaculture Production Returns 1 July 2010 to 30 June 2011 dated 9/9/2011	5
36	Finfish Aquaculture Production Returns 1 July 2010 to 30 June 2011 dated 19/8/2011	5
37	Finfish Aquaculture Production Returns 1 July 2011 to 30 June 2012 dated 22/8/2012	6
40	Mortality Reporting to PIRSA 2011 Year-class dated 11/5/2011	1

The above documents are refused pursuant to Clause 12(1) of Schedule 1 of the Freedom of Information Act which states:

“12 - Documents the subject of secrecy provisions

(1) A document is an exempt document if it contains matter the disclosure of which would constitute an offence against an Act.”

Section 89A(1) and (2) of the *Aquaculture Act 2001* states:

“89A - Confidentiality

- (1) *A person engaged or formerly engaged in the administration of this Act must not divulge or communicate any information relating to trade processes or financial information obtained (whether by that person or otherwise) in the course of official duties except—*
- (a) *as required or authorised by or under this Act or any other Act or law; or*
 - (b) *with the consent of the person to whom the information relates; or*
 - (c) *in connection with the administration of this Act; or*
 - (d) *to an agency or instrumentality of this State, the Commonwealth or another State or Territory of the Commonwealth for the purposes of the proper performance of its functions.*

Maximum penalty: \$10 000.

- (2) *Subsection (1) does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates.”*

The information you are seeking is captured through environmental monitoring program reports and periodic returns provided by aquaculture licence holders.

The information contained in the above documents relates to a small number of aquaculture licensed sites that were operated by two aquaculture companies. Accordingly, it could reasonably be expected that the release of this information could lead to the identification of the companies concerned.

By virtue of providing the above details, PIRSA would be divulging information contained within the environmental monitoring program reports and production returns. Accordingly, the disclosure of these documents would be considered a breach of the confidentiality provisions of Section 89A of the *Aquaculture Act 2001*.


Notwithstanding the above, I am happy to provide you with the attached summary document which has been prepared by PIRSA to provide you with a statistical summary of the data you are seeking.

If you are dissatisfied with this determination, you are entitled to exercise your right of review and appeal as outlined in the attached documentation, by completing the “Application for Review of Determination” and returning the completed form to:

Freedom of Information Principal Officer
Primary Industries and Regions SA
GPO Box 1671
ADELAIDE SA 5001

Should you require further information or clarification with respect to this matter, please contact Ms Lisa Farley, Freedom of Information and Privacy Officer on 8429 0422.

Yours sincerely



Deanna Fleming
Accredited Freedom of Information Officer
PRIMARY INDUSTRIES AND REGIONS SA