

MARINE SCALEFISH FISHERY (MSF)

Fisheries Management Act 2007

Fisheries Management (Marine Scalefish Fisheries) Regulations 2017

APPLICATION TO TRANSFER A MSF LICENCE

With this completed application for Licence Number: _____

- ☐ I have paid all outstanding fees in full relevant to this licence, up to and including this financial year.
- ☐ I have enclosed the current **Original** Licence and the Registrations and Entitlements Register.
- ☐ Both parties have **initialed** each page (bottom corner, where indicated).
- ☐ I have enclosed a copy of the current vessel certificate of operation.
- ☐ I have lodged all **Catch and Effort Returns with SARDI** (ph: 08 8207 5412)
- ☐ I have enclosed the Application to **Remove the Registration of a Third Party Interest** where applicable (An additional fee is not required for this application form).
- ☐ Any **Restricted Fish Processor Registration** associated with this licence will be cancelled.

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.FisheriesLicensing@sa.gov.au

<http://www.pir.sa.gov.au/fisheries/home>

Licence Holders Initials

Receivers Initials

INSTRUCTIONS FOR COMPLETION

1. Read the information contained in this application form carefully. Contact PIRSA Fisheries & Aquaculture if you need clarification of any fisheries management or licensing matter contained in, or related to, this form.
2. You are advised to contact the Department of Planning Transport and Infrastructure regarding qualifications necessary to operate a boat.
3. Seek professional advice if necessary in relation to the completion of this form, including taxation and legal issues.
4. The person who currently holds the licence must complete Part A(1) and Part B of this form, and the statutory declaration at the end of Part B.
5. The person to whom the licence is to be transferred must complete Part A(2) and Part C of this form, and the statutory declaration at the end of Part C.
6. Part D is required to be completed by all persons applying to be a registered master. Refer to pages 12 and 13 of this application in relation to registered masters.
7. All parts of the application form must be submitted at the same time.
8. If there are one or more persons or entities registered on the public register as having an interest in the licence that is to be transferred, they must provide consent to the transfer. You must seek this consent and attach it to this application. If a bank is a registered interest holder, the written consent must be provided on bank letterhead and / or be stamped with the bank seal.

Third party interest holders should also complete the "Cancellation of 3rd party interest form" that is attached to this application.
9. **All applications must be completed in full** before being lodged with PIRSA Fisheries & Aquaculture. If the completed application is not received within 30 days then the application will be returned. Please contact PIRSA Fisheries & Aquaculture on (08) 8207 5332 if you have any queries. Both parties **MUST** initial each page (where indicated).

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GENERAL INFORMATION

1. The *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017* provide that a licence in respect of the Marine Scalefish Fishery may be transferred with the consent of the Minister. An application for consent must be in writing and must be made on this form, which has been approved by the Minister.
2. The *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017* provide that: The Minister may only consent to a transfer of a licence if satisfied as to the following:
 - (a) that the transfer—
 - (i) is an authorised family transfer; or
 - (ii) is an authorised amalgamation scheme transfer; or
 - (iii) occurs in the course of the administration of a deceased estate under section 57(6) of the Act; or
 - (iv) occurs as a result of the holder of the licence suffering from total and permanent incapacity; or
 - (v) occurs as a result of a disqualification under Part 8 Division 4 of the Act;
 - (c) that any fees or other amounts payable in relation to the licence under the Act have been paid in full;
 - (d) that the licence to be transferred has not been suspended;
 - (e) that the transfer is to 1 person only;
 - (f) that no proceedings alleging an offence against the Act are pending or likely to be commenced in the State against the holder of the licence;
 - (g) that the transferee is a natural person of at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
3. Furthermore, the Minister may only consent to a transfer if that transfer is consistent with the prescribed amalgamation scheme. If the aggregate points value endorsed on a licence is equal to or greater than 24, then the licence may be transferred to any eligible person. If a licence has an aggregate points value of less than 24 points the licence may only be transferred if it is to be amalgamated with another Marine Scalefish Fishery licence and the aggregate points value endorsed on both licences is equal to or greater than 24.
4. If an amalgamation is required, please complete a "Licence Amalgamation Form".
5. 'Catch History' is the amount of fish taken by a licence holder pursuant to a licence issued under the *Fisheries Management Act 2007*. In some fisheries, when management arrangements have changed, catch history has been used as one of the relevant criteria when allocating resources. It is important to note that PIRSA Fisheries does not recognise the transfer of catch history from one licence holder to another when a licence is sold or transferred. Catch history can only be recognised for a person who holds a valid licence.
6. Upon the death of a licence holder, the licence will become vested in the personal representative of the deceased, as part of the estate of the deceased. The requirements that apply in this situation are set out in section 57 of the *Fisheries Management Act 2007*.
7. The *Fisheries Management Act 2007* provides that a public register of authorities (including licences) issued under the Act must be kept. This register must include, among other things, a notation that a specified person has a registered interest in a licence. This notation will be made upon application by the holder of the relevant licence, and on payment of the prescribed fee.
8. If you are in the process of acquiring a licence under the *Fisheries Management Act 2007* you are advised to make independent enquires of the licence holder as to any demerit

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points that are recorded on that licence. The Public Register may not be up to date at the time of your search as there are sometimes delays in the allocation process and so should not be relied upon in isolation from other enquiries any demerits that are incurred by the licence as at the time of the transfer will be attributed to the relevant licence in the ordinary course of business regardless of any transfers occurring in that period. If you require further clarification of the actual demerits held by a licence prior to any transfer you will need to request that from PIRSA Fisheries & Aquaculture in writing and as part of that process you will need written consent of the licence holder for that information to be released to you.

FALSE AND MISLEADING INFORMATION

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, or record kept, under this Act.

Maximum penalty:

- (a) if the case where the offence involved the making of a false or misleading statement, or the provision of false or misleading information, relating to a quota entitlement under a fishery authority—
 - (i) if the offender is a body corporate—\$300 000;
 - (ii) if the offender is a natural person—\$60 000;
- (b) in any other case—
 - (i) if the offender is a body corporate—\$100 000;
 - (ii) if the offender is a natural person—\$20 000.

Fisheries Management Act 2007 (Section 119)

PART A CONVICTION CHECKS – To be completed by both parties

Section 6 (5)(f) of the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017* states: The Minister may only consent to the transfer of a licence if satisfied that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence

TO BE COMPLETED BY THE CURRENT LICENCE HOLDER – Convictions or Charges

For the purposes of this application I consent to the release of full details of any convictions or charges for breaches of fisheries related legislation imposed on me in any Australian State or Territory during the period of three years immediately preceding the date of this application. I acknowledge that without this consent being provided, conviction details in some States may not be disclosed.

If the licence is held in your personal name, have you appeared before a Court or Tribunal, or do you have charges or prosecution action pending or likely to be commenced, for an offence involving a breach of legislation relating to fishing in any State or Territory of the Commonwealth during the preceding three years? **Yes / No**

If Yes, give details

.....

Signature of Current Licence Holder..... Date:

TO BE COMPLETED BY APPLICANT RECEIVING THE LICENCE – Convictions or Charges

For the purposes of this application I consent to the release of full details of any convictions or charges for breaches of fisheries related legislation imposed on me in any Australian State or Territory during the period of three years immediately preceding the date of this application. I acknowledge that without this consent being provided, conviction details in some States may not be disclosed.

If the licence is to be held in your personal name, have you appeared before a Court or Tribunal, or do you have charges or prosecution action pending or likely to be commenced, for an offence involving a breach of legislation relating to fishing in any State or Territory of the Commonwealth during the preceding three years? **Yes / No**

If Yes, give details

.....

Signature of Receiving Applicant: Date:

Demerit Points on Licence

Have demerit points been applied to this licence (Yes/No) Number of points

Licence Holder Signature.....Receivers Signature.....

Licence Holders Initials

Receiving Licence
Holder Initials

PART B Application to transfer licence by the existing licence holder.

Licence number to be transferred:

Licence holder: Date of birth:...../...../.....

Phone:

Address:

..... Post Code

Aggregate points value endorsed on licence:.....

Is this transfer a family transfer **Yes / No**

If yes, specify the relationship of the transferee to yourself:

If this is a family transfer, please provide a **copy of the birth certificate** or a statutory declaration stating the relationship between the transferee and yourself. Is this document attached? **Yes/No**

Replacement Master Days used:.....

Do you own any other Commercial Licences? **Yes / No**

Please list them.....

Are there one or more persons or entities registered on the public register as having an interest in the licence that is to be transferred? **Yes / No**

If yes, each interest holder must complete an Application to Remove the Registration of a Third Party Interest as part of the licence transfer application (see page 14) **Yes / No**

QUOTA ENTITLEMENTS ENDORSED

Please list the Permanent Base units endorsed on the licence for each species held.

Garfish (Gulf St Vincent) quota units:

Garfish (Spencer Gulf Zone) quota units:

King George Whiting (Spencer Gulf Zone) quota units:

King George Whiting (Gulf St Vincent Zone) quota units:

Snapper (Gulf St Vincent Zone) quota units:

Snapper (South East Zone) quota units:

Snapper (West Coast Zone) quota units:

Snapper (Spencer Gulf Zone) quota units:

Southern Calamari (Gulf St Vincent Zone) quota units:

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Receivers Initials

Southern Calamari (Spencer Gulf Zone) quota units:

LICENCE AND REGISTRATIONS AND ENTITLEMENTS AUTHORITY

☐ I have attached/posted my current original Licence & Registration and Entitlements Authority.

OR

☐ I am unable to attach my current original Licence & Registration and Entitlements Authority as it has been lost / misplaced

Agent Information:

Is an agent or representative (i.e. a solicitor or conveyancer) handling this matter on your behalf?..... **Yes / No**

Name of agent:.....

Phone:.....Email :.....

DECLARATION TO BE COMPLETED BY EXISTING LICENCE HOLDER

Application to transfer Marine Scalefish Fishery Licence

I

(Full name of person completing this form)

of (address)

Contact Telephone Number:.....

who is the licence holder of Marine Scalefish Fishery licence No

hereby certify that this application is to the best of my knowledge and belief true and accurate. I know that this information 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.

All parties who have an interest in the licence registered by notation on the public register established by section 116 of the *Fisheries Management Act 2007* have provided their consent to this transfer

Dated the(day) of(month) , 20..... (year)

Signed:

Witnessed by:
(Full Name)

of
(address)

Signature of Witness:

Licence Holders Initials

Receiving Licence
Holder Initials

PART C To be filled-in by party wanting to take ownership of this licence

1. APPLICANT DETAILS

Full name that licence is to be held in:

Date of birth...../...../.....

Residential or business address:

..... Post Code

Postal Address.....

..... Post Code

Telephone number (home) (work).....

Telephone number (mobile).....

Fax number:

Email address.....

Do you wish to receive SMS reminders for payment of licence fees? **Yes / No**

Mobile phone number for SMS reminders.....

Do you own any other Commercial Licences? **Yes / No**

Please list them

Please note: Pursuant to Section 59 of the *Fisheries Management Act 2007*, the holder of a licence/permit or a registered master must at all times when he or she is engaging in a fisheries activity under the licence/permit, carry with them an identification issued by the Minister. For further information, please contact a PIRSA office or your local fisheries officer.

Agent Information:

Is an agent or representative (i.e. a solicitor or conveyancer) handling this matter on your behalf..... **Yes / No**

Name of agent :

Phone : Email :

Licence Holders Initials

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2. BOAT DETAILS

Nominate the boat(s) to be registered and endorsed on the licence, and provide the following details:

Boat 1

Name Hull Construction.....
Length(metres) Year of construction
Main colour Survey Number
Home Port

Boat 2

Name Hull Construction.....
Length(metres) Year of Construction.....
Main colour Survey Number
Home Port

Boat 3

Name Hull Construction.....
Length(metres) Year of Construction.....
Main colour Survey Number
Home Port

Does the vessel comply with Survey and Certificate of Operation requirements?

Boat 1 - Yes / No **Boat 2** - Yes / No **Boat 3** - Yes / No

Please provide a copy of the certificate of operation if available.

PLEASE NOTE: As the owner (and or master) of a vessel it is your responsibility to ensure that the vessel is fit for commercial fishing operations. If you are unsure please contact AMSA: Australian Maritime Safety Authority.

Australian Maritime Safety Authority

AMSA Connect: 1800 627 484

Email: amsaconnect@amsa.gov.au

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3. REGISTERED MASTER

Note 1: Regulation 9 of the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017* provides that the licence holder must be the registered master of a registered boat, except in circumstances where a person holds more than one licence in a Marine Scalefish Fishery, that person must be the registered master in relation to at least one of those Marine Scalefish Fishery licences.

The licence holder will automatically be endorsed as the master on owner operator licences.

If you have more than one Marine Scalefish fishery licence & seek to nominate a person (other than the licence holder) to be master of the registered boat(s).

Name the person you are nominating to be registered master:

Master 1:.....

Which licence are you **owner operator** on?

Some Marine Scalefish fishery licences are of a class which allows the use of a registered master other than the holder of the licence. If the licence to be transferred has a sand crab pot or ocean jacket trap endorsed, please contact PIRSA Fisheries & Aquaculture concerning the use of registered masters.

This box only to be completed by ocean jacket trap and sand crab sectors:

Sand Crab pots are allowed one additional master to fish these devices only.

Master 2:

Licences with Ocean Jacket Traps are allowed two additional masters.

Master 2:..... (Ocean Jacket traps only)

Master 3:(Ocean Jacket traps only)

Note 2: All registered master(s) listed above must complete Part D of the application.

Pursuant to Section 59 of the *Fisheries Management Act 2007*, the holder of a licence/permit or a registered master must at all times when he or she is engaging in a fisheries activity under the licence/permit, carry with them an identification issued by the Minister. For further information, please contact a PIRSA office or your local fisheries officer.

4. FISHING DEVICES

The number and type of fishing devices that are currently endorsed on the licence to be transferred are to be registered in my name and are to be endorsed on the licence after it is transferred: **Agree / Disagree**

An application for the removal of fishing devices from this licence will need to be made in writing to the Minister.

Licence Holders Initials

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5. PRICE OF TRANSFER

The following prices are to be paid for the transfer of -

	A Amount Paid	B GST
i. the licence	\$ _____	_____
ii. any boat	\$ _____	_____
iii. any quota entitlements endorsed on the licence (in addition to (i))	\$ _____	_____
iv. any equipment	\$ _____	_____
v. any other matter or thing being transferred as part of the transaction	\$ _____	_____
Sub-Total	\$ _____	_____

Total amount paid (including GST if applicable)

\$ _____

in relation to the licence transfer. Note: this should be total of A & B

DECLARATION TO BE COMPLETED BY RECEIVING LICENCE HOLDER

Application to transfer Marine Scalefish Fishery Licence

I
(Full name of person completing this form)

of (address)

Contact Telephone Number:

I am the person making the application for the transfer of a Marine Scalefish Fishery licence No

hereby certify that this application is to the best of my knowledge and belief true and accurate. I know that this information 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.

Dated the(day) of(month), 20..... (year)

Signed:

Witnessed by:
(Full Name)

of
(address)

Signature of Witness:

Licence Holders Initials

Receiving Licence
Holder Initials

PART D **DECLARATION TO BE READ AND SIGNED BY REGISTERED MASTERS NOT BEING THE HOLDER OF THE LICENCE.**

- I hereby declare that I have read and understood the information contained in this application.
- I declare that I satisfy the requirements of the *Harbours and Navigation Act 1993* (SA) and the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwth) in relation to the crewing of vessels; and
- I declare that I have not appeared before a Court or Tribunal for an offence in any State or Territory of the Commonwealth involving a breach of any State or Commonwealth fisheries legislation during the period of three years immediately preceding the date of this application; and
- I understand that it is an offence under the *Fisheries Management Act 2007* to make a statement that is false or misleading in a material particular; and
- I undertake to comply with all the conditions on the said licence in my capacity as registered master; and
- I understand that I may be liable to prosecution for offences against the Act including breaches of licence condition, committed by any other person in relation to fishing from the registered boat, when I am the master; and
- For the purposes of this application I consent to the release of full details of any convictions or charges for breaches of fisheries related legislation imposed on me in any Australian State or Territory during the period of three years immediately preceding the date of this application. I acknowledge that without this consent being provided, conviction details in some States may not be disclosed.

Master 1 Name **D.O.B.**

Proposed registered master to be endorsed on licence number

Postal Address: Postcode

Residential Address: Postcode

Phone numbers: (home) (mobile)

Email Address:

Have you appeared before a Court or Tribunal for an offence in any State or Territory of the Commonwealth involving a breach of any State or Commonwealth fisheries legislation during the period of three years immediately preceding the date of this application? Yes ☐ No ☐

If Yes, give details

I hereby certify that this information is to the best of my knowledge and belief to be true and accurate. I know that this information 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.

Dated the of 20

Signature of Master Witnessed by Licence Holder

Licence Holders Initials

Receiving Licence
Holder Initials

(Ocean Jacket Trap and Sand Crab Sectors only)

Master 2 Name D.O.B.

Proposed registered master to be endorsed on licence number

Postal Address:..... Postcode

Residential Address: Postcode

Phone numbers:.....(home) (mobile).....

Email Address:.....

Have you appeared before a Court or Tribunal for an offence in any State or Territory of the Commonwealth involving a breach of any State or Commonwealth fisheries legislation during the period of three years immediately preceding the date of this application? Yes ☐ No ☐

If Yes, give details

I hereby certify that this information is to the best of my knowledge and belief to be true and accurate. I know that this information 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.

Dated the of 20

Signature of Master Witnessed by Licence Holder

(Ocean Jacket Trap only)

Master 3 Name D.O.B.

Proposed registered master to be endorsed on licence number

Postal Address:..... Postcode

Residential Address: Postcode

Phone numbers:.....(home) (mobile).....

Email Address:.....

Have you appeared before a Court or Tribunal for an offence in any State or Territory of the Commonwealth involving a breach of any State or Commonwealth fisheries legislation during the period of three years immediately preceding the date of this application? Yes ☐ No ☐

If Yes, give details

I hereby certify that this information is to the best of my knowledge and belief to be true and accurate. I know that this information 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.

Dated the of 20

Signature of Master Witnessed by Licence Holder

Fisheries Management Act 2007

**APPLICATION TO REMOVE THE REGISTRATION OF AN
INTEREST IN A COMMERCIAL FISHERY LICENCE**

(If you wish to cancel more than one notation, please complete separate copies of this page for each person/company)

This is an application by a person or company who is recorded as having an interest in a specified commercial fishery licence. This interest is currently recorded on the public register established by section 116 of the *Fisheries Management Act 2007*. This application is to have the notation of this interest removed from the register.

Licence number to which interest relates:

Name of licence holder to which interest relates:

Name of interest holder:

Address of interest holder:

.....Postcode:

If the interest holder is a company, name of the Director completing this form on behalf of the company:

If the interest holder is a Bank, please stamp the application with the Official Bank Seal and indicate name and position within organisation:

All applications must be completed in full before being lodged with PIRSA Fisheries & Aquaculture. Applications that are not complete, or that do not have correct documentation attached, will be returned. Please contact PIRSA Fisheries & Aquaculture on (08) 8207 5332 if you have any queries.

Signed Date
Interest holder

Licence Holders Initials

Receiving Licence
Holder Initials