

Application for Approval of Transfer of Components of a Fishing Business

IMPORTANT NOTICE:

NSW DPI strongly recommends that you seek independent advice about how a proposed transfer may affect you or your fishing business and that you do not make any financial or other commitments in relation to the transfer of shares or other fishing business components until you have been formally notified of the approval of the application.

Proposed transferees and transferors should also note that significant reforms are underway in respect of five share management fisheries (excluding abalone and lobster) which may change the access arrangements that arise from shareholdings and affect the way that fishing businesses are used in the future.

You are encouraged to review the information surrounding the reform program at the following webpage: www.dpi.nsw.gov.au/fisheries/commercial/reform.

For further information on the rules applying to a fishery refer to;

- the DPI commercial fishing webpages at:
 - www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms,
 - www.dpi.nsw.gov.au/fisheries/commercial/fisheries and
 - www.dpi.nsw.gov.au/fisheries/info/closures, and
- contact the manager for the fishery concerned.

You should also consider any legislative requirements under other Acts administered by other state and federal agencies (refer to relevant legislation at www.legislation.nsw.gov.au).

Application for Approval of Transfer of Components of a Fishing Business

Office Use Only
INW/.....
WHF/.....

This form is to be used by a fishing business owner proposing to transfer shares and/or restricted fishery endorsements including the entire fishing business. Shares in a share management fishery and/or restricted fishery endorsements may be transferred only with the approval of the Director General of NSW DPI.

This form should also be used in respect of the proposed transfer of a component of a fishing business or the entire fishing business by a mortgagee, receiver, liquidator or trustee in bankruptcy in the exercise of a power of sale or by the legal personal representative of a deceased person.

This form is to be completed in full. A cheque, money order or credit card details should be enclosed with this application for payment of the associated fee. Alternatively, you may make payment of the fee at your local NSW DPI regional office. Please see the Schedule of Fees on the NSW DPI website (www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms) for more information.

Office of State Revenue Use ONLY

* See note below regarding Stamp Duty

Please note that in this application form:

- “**FB**” means fishing business,
- “**component of a FB**” includes shares in a share management fishery, restricted fishery endorsements and external fishing authorities. External fishing authorities include any Commonwealth or interstate permits, statutory fishing rights, etc, that are specified in the Fishing Business Determination Certificate,
- “**transfer**” of a FB or a component of a FB means the transfer, transmission, conveyance or assignment of a FB or component of a FB,
- “**NSW DPI**” means New South Wales Department of Primary Industries,
- “**Transferor**” means the seller of the FB and/or any components of the FB,
- “**Transferee**” means the buyer of the FB and/or any components of the FB.

Completed application forms should be marked ‘**Private and confidential**’ and posted to:

**Fisheries Business Services,
NSW DPI,
Locked Bag 3020, NOWRA NSW 2541.**

ALL 8 PAGES OF THE TRANSFER FORM SHOULD BE SUBMITTED - DO NOT SEPARATE ANY PAGES OF THE FORM.

For assistance completing this form, please call 1300 720 662.

WARNING: NSW DPI strongly recommends that you seek Independent advice about how a proposed transfer will affect your fishing business and that you do not make any financial or other commitments in relation to the trading of shares or other fishing business components until you have been formally notified of the approval of the application.

***STAMP DUTY:** For information, please contact the Office of State Revenue (OSR) or visit their website at www.osr.nsw.gov.au. Any stamp duty paid prior to this application being submitted is refundable from the OSR if the application is not approved or if for other reasons the transfer does not proceed.

PRIVACY INFORMATION - The personal information provided by you on this form is subject to the *Privacy & Personal Information Protection Act 1998*. It is being collected by NSW Department of Industry and will be used for purposes related to your application under the *Fisheries Management Act 1994*. Provision of this information is voluntary and where relevant information is not provided this may lead to your application being refused, delayed or not further considered. You have the right to request access to, and correct details of, your personal information held by the Department. Further information regarding privacy can be obtained from the NSW Department of Industry website (which includes the Department of Primary Industries) at <http://www.industry.nsw.gov.au/privacy>

CHECKLIST

Applicants should ensure that they have complied with the following before this application is submitted.

Incomplete applications will not be accepted:

General

1. Applicants should refer to the relevant provisions of the *Fisheries Management Act 1994* ("the Act") and regulations made under the Act to ensure they are aware of the rules applying to the transfer of shares and restricted fishery endorsements. Transfers may affect the entitlement to endorsements. Transfer of shares or restricted fishery endorsements may be refused in certain circumstances.
2. This form must be completed in full by both the transferor and transferee and signatures must be witnessed wherever indicated (**including the footer at the bottom of page 4 through to page 6**).
3. Any fee payable in respect of this application must accompany this application form. Please see the Schedule of Fees on the NSW DPI website (www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms) for more information.
4. **Any outstanding and/or overdue fee, contribution or other amount owing in relation to any share or endorsement for which the application is made must be paid prior to approval of the transfer.**
5. If either the transferor or transferee is a company, the full names of both the company and the authorised person acting on behalf of the company must be provided and a current (within 1 month) company extract showing the Australian Securities and Investments Commission registration and the authorisation stipulating the person (with position indicated) who is authorised to sign documents on behalf of the company must accompany this application.
6. If either the transferor or transferee is a partnership, all partners must sign this application form.
7. The current FB card issued to the transferor/transferee must accompany this application form (unless the FB card is continuing to be used).
8. Deceased Estates: A certified copy of the Probate Grant or Letters of Administration (as applicable) granted in respect of the Estate and the associated documents must accompany this application form.

Additional Requirements:

9. **Quota**: If relevant, a completed quota transfer form (abalone, sea urchin and lobster only) must accompany this application form. All outstanding logbook returns and unused lobster tags must be returned with this application.
10. **Commercial Fishing Licence**:
 - a. If the transferee intends to undertake commercial fishing activities but does not hold a current Class 1 commercial fishing licence an application for such a licence should be submitted.
 - b. If relevant, an application completed by the transferee to register one or more commercial fishing licence holders as eligible fishers and a completed form to nominate a registered eligible fisher should accompany this application. **Note**: The transferor may register and nominate the transferee to take fish for sale under the fishing business pending determination of the application.
 - c. If the transferor intends to no longer engage in commercial fishing please surrender the current commercial fishing licence card with a signed letter requesting that the surrender be accepted. Please note that an application to surrender a licence will not be approved unless all debt relating to the licence has been cleared. No refund of any fees paid will be made for the remaining tenure of the licence.
11. **Commercial Fishing Boats**: If relevant, application(s) for boat licence transfer, together with any current boat licence cards should be submitted.

Application forms are available from the NSW DPI website www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Share Management Fisheries Only

1. **Stamp duty** associated with this application must be paid to the **Office of State Revenue** on completion of this application form and BEFORE submitting the completed form to **NSW DPI** (the duty is to be recorded on page 2 of this application form). If the application is refused refund of any paid duty is the responsibility of the applicant.
2. The original of any written contract or agreement for sale/transfer in respect of the transaction must accompany this application.
3. If relevant, a completed mortgage release/discharge form (transferor only) must accompany this application form.
4. Shares in a share management fishery that have been issued as "Shares Subject to Appeal" are subject to special conditions, including that such shares may only be transferred with the consent of the Minister. If this application includes the proposed transfer of Shares Subject to Appeal, the prior consent of the Minister must have been obtained. Please call NSW DPI on 1300 720 662 if you require further information.

NOTE: Transactions that have the effect of transferring, assigning or transmitting a share must be registered in the Share Register under section 91 of the *Fisheries Management Act 1994*. This form may be used for applications for the approval of the transfer/transmission by the Director General and the registration of any share transactions in the Share Register.

1. APPLICANTS DETAILS

A - TRANSFEROR DETAILS (to be completed by the transferor)

FB Number:	<input type="text"/>	FB Owner Registration Number:	<input type="text"/>
FB Owner Name (s):	<input type="text"/>		
ABN: (if applicable)	<input type="text"/>	Contact Name:	<input type="text"/>
Residential address:	<input type="text"/>		
	Postcode:		
Postal address: (if different from above)	<input type="text"/>		
	Postcode:		
Home Phone:	<input type="text"/>	Mobile Ph:	<input type="text"/>
		Fax:	<input type="text"/>
Email:	<input type="text"/>		

B - TRANSFEEE DETAILS (to be completed by the transferee)

Name (s):	<input type="text"/>		
Registration Number: (if applicable)	<input type="text"/>		
ABN: (if applicable)	<input type="text"/>	Contact Name:	<input type="text"/>
Residential address:	<input type="text"/>		
	Postcode:		
Postal address: (if different from above)	<input type="text"/>		
	Postcode:		
Home Phone:	<input type="text"/>	Mobile Ph:	<input type="text"/>
		Fax:	<input type="text"/>
Email:	<input type="text"/>		

I request the transfer of:	<input type="checkbox"/> the FB including all components (new entrants and existing FB owners)
	<input type="checkbox"/> the components of the FB as listed in section 2 A to transfer into my existing FB - Specify FB Number: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (existing FB owners only)
	<input type="checkbox"/> for abalone or lobster shares only where the transferee is not an existing FB owner, some components of the transferor's FB to a new FB
The original Agreement or Contract of Sale that embodies this transaction:	<input type="checkbox"/> The Original Agreement / Contract of Sale is enclosed with this application
	<input type="checkbox"/> No Written Agreement / Contract of Sale exists in relation to this application

Transferor's Signature: _____ Transferee's Signature: _____

B - RESTRICTED FISHERY ENDORSEMENT TRANSFER DETAILS

Complete this section **ONLY if it is proposed to transfer restricted fishery endorsement(s)**. Refer to the current Fishing Business Determination Certificate which lists the current restricted fishery endorsement information for the transferor's FB.

Please tick (✓) the relevant restricted fishery endorsement proposed to be transferred.

<input type="checkbox"/>	Southern Fish Trawl Restricted Fishery	Price Paid for Endorsement:	\$
<input type="checkbox"/>	Sea Urchin and Turban Shell Restricted Fishery	Price Paid for Sea Urchin Endorsement:	\$
		Price Paid for Turban Shell Endorsement:	\$
<input type="checkbox"/>	Inland Restricted Fishery, Class A Yabby and Carp (Transferable)	Price Paid for Endorsement:	\$
<input type="checkbox"/>	Inland Restricted Fishery, Class B Carp (Transferable)	Price Paid for Endorsement:	\$

Transferor's Signature: _____ Transferee's Signature: _____

3. APPLICATION AND DECLARATION

A - APPLICATION AND DECLARATION BY TRANSFEROR

I/We, the undersigned, hereby apply to the Director General for approval of the transfer detailed above to the transferee detailed above.

I/We understand that:

1. the transfer does not become effective until the Director General approves it and registers the transaction in the Share Register and/or the Fishing Business Determination Register;
2. **I/we will remain liable for any fees or charges payable in relation to the transferred fishing business and/or any of the transferred components of the fishing business. This includes fees and charges incurred but payable for the remainder of this financial year and I/we agree to pay any such fees; and,**
3. if the transaction is approved I/we will hold no further interest in, or entitlement to, the components of the fishing business that are the subject of this application;

If entire Fishing Business is transferring:

1. I/We agree to transfer my/our entire fishing business including all its components (being all shares and/or restricted fishery endorsements and/or external fishing authorities) as determined by the Director General to the transferee.
2. I/We acknowledge that any registered eligible fisher(s) and/or authorised fishers associated with my/our Fishing Business will be cancelled/revoked.
3. I have enclosed my current Fishing Business Card with this application.

I/We certify that I/we have authority to sign this form on behalf of any partners, other shareholders or any other parties with an interest in this fishing business and/or its components as determined by the Director General.

I/We declare that the information provided on this form and associated documentation is, to the best of my/our knowledge, true and correct.

Transferor's FB Number:	<input type="text"/>
Name(s):	<input type="text"/>
Name of Signatory and Position held (if company):	<input type="text"/>
If jointly owned, all parties must sign	
Signature(s) and date:	<input type="text"/> Date / /
WITNESS	
Witness name:	<input type="text"/>
Witness address:	<input type="text"/>
Signature and date:	<input type="text"/> Date / /

Transferor's Signature: _____ **Transferee's Signature:** _____

B - APPLICATION AND DECLARATION BY TRANSFEREE

I/We, the undersigned, hereby apply to the Director General for approval of the transfer detailed above, and, if approved, hereby apply for the transfer to be registered in the Share Register (if applicable).

I/We understand that the transfer does not become effective until the Director General approves it and registers the transaction in the Share Register or/and Fishing Business Determination Register.

I/We enclose the original of the document(s) that embody this transaction (eg the agreement/contract for sale/transfer of shares).

I/We understand that if I/we have taken part in a buy-out scheme that I/we must abide by any conditions of re-entry to the commercial fishing industry set out in the buy-out deed of release.

I/We certify that I/we have authority to sign this form on behalf of any partners, other shareholders or any other parties with an interest in this fishing business and/or its components as determined by the Director General.

I/We declare that the information provided on this form and associated documentation is, to the best of my/our knowledge, true and correct.

If entire Fishing Business is transferring:

I/We accept the entire Fishing Business in its current form including all its components as determined by the Director General.

If Transferee is acquiring shares:

I/We declare that I am ordinarily a resident of Australia (within the meaning of the *Foreign Acquisitions and Takeovers Act 1975* of the Commonwealth) (or if applying as a company), that the company has less than 20% foreign ownership (within the meaning of the *Corporations Act 2001* of the Commonwealth).

Transferee's FB Number: (if applicable)	<table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>					
Name(s):	<input type="text"/>					
Name of Signatory and Position held (if company):	<input type="text"/>					
If jointly owned, all parties must sign						
Signature(s) and date:	<input type="text"/> <p style="text-align: right;">Date / /</p>					
WITNESS						
Witness name:	<input type="text"/>					
Witness address:	<input type="text"/>					
Signature and date:	<input type="text"/> <p style="text-align: right;">Date / /</p>					

4. METHOD OF PAYMENT

Please tick the relevant box indicating your method of payment

APPLICANT'S NAME:

*CHEQUE or MONEY
ORDER enclosed*
(made payable to
Department of Primary
Industries)

CASH (only available if
paid at local Fisheries
Office)

CREDIT CARD Visa Mastercard American
Express

CARDHOLDER'S NAME

CREDIT CARD NUMBER - - -

EXPIRY DATE /

CVV*

AMOUNT TO BE
CHARGED \$

CARDHOLDER'S
SIGNATURE

DATE / /

CVV* - (card verification value) - last 3 digits on the back of the card for Visa and Mastercard - 4 digits on the front of the card for Amex

NOTE: The following merchant surcharge will occur on credit card transactions: 0.4% for Mastercard & Visa, 1.5% Amex & 2.4% Diners.