

Section 37A Permit Application Form – Charity Fish Auction

This form is to be completed in full when applying for a permit under section 37A of the *Fisheries Management Act 1994* (the Act) to authorise a person to take and possess fish for sale (by auction or raffle) for a charitable purpose. The *Fisheries Management Act 1994* defines **charitable purpose** as including any benevolent, philanthropic or patriotic purpose.

Applicants should note that section 220ZW of the Act prohibits the issuance of permits under section 37A where the application propose harm to threatened species, populations or ecological communities or damage to the habitat of threatened species, populations or ecological communities. Further information and listed threatened species, populations and ecological communities can found on the www.dpi.nsw.gov.au/fishing/species-protection/what-current

Issued permits are subject to conditions, which must be strictly adhered to. Failure to comply with these conditions may result in prosecution under the Act (see below). NSW Food Authority conditions and rules also apply, which are available at: www.foodauthority.nsw.gov.au/retail/charities-groups-and-volunteers/charity-fish-auctions

NSW DPIRD Charity Fish Auction Permit Information:

1. Competitors must pay the NSW Recreational Fishing Fee (unless otherwise exempt) prior to going fishing.
2. No person is to take fish unlawfully.
3. Individuals donating fish must not be in possession of prohibited size fish as outlined in Clause 6 of the *Fisheries Management (General) Regulation 2019* or be in possession of greater than the prescribed bag limits as per Clause 8 of the *Fisheries Management (General) Regulation 2019*.
4. In accordance with Section 123(2) of the *Fisheries Management Act 1994* the permit holder must obtain and keep from any person donating fish to the auction, a prescribed record concerning the permit holder's acquisition of the fish in accordance with the *Fisheries Management (General) Regulation 2019*.
5. In accordance with Section 123(1) of the *Fisheries Management Act 1994* records must be made by sellers of fish. The permit holder must, after auctioning any fish, make and deliver to the purchaser a record concerning the sale by the permit holder of the fish in accordance with the *Fisheries Management (General) Regulation 2019*.
6. In accordance with Section 123A of the *Fisheries Management Act 1994* records must be held for possession of fish. A purchaser at the charitable fish auction in possession of fish more than the prescribed commercial quantity under Clause 199 of the *Fisheries Management (General) Regulation 2019*, must be able to produce a prescribed record of the fish when requested to do so by a Fisheries Compliance Officer.
7. Information to be included on prescribed records of fish sales and possession are to be in accordance with Clause 200(2) of the *Fisheries Management (General) Regulation 2019*.
8. It is an offence under the *Fisheries Management Act 1994* to contravene a condition of the permit. Failure to comply with these conditions may jeopardize the issue of permits in the future.
9. The competitors must adhere to the *Food Standards Australia New Zealand Act 1991 (Commonwealth)*, specifically with Standards 3.2.2 and 3.2.3 of the Food Standards Code available at www.foodstandards.gov.au/code
10. The District Fisheries Officer in the area where the event is undertaken is to be notified at least 48 hours prior to the commencement of the event.
11. The permit holder must notify the local Council of the event at least 1 week prior to the event occurring.
12. The permit holder is responsible for ensuring the fish that are auctioned are fit for human consumption.
13. Permits do not authorise fishing activities in contravention to the *Fisheries Management Act 1994* or any regulation under this Act, unless specified in the permit.

14. No fish are to be taken by commercial fishers or from commercial fishing boats.
15. Fish which have been auctioned under the authority of any permit issued must not be resold.
16. All fish taken to be auctioned under the authority of any permit issued must be kept on ice or slurried ice as soon as possible after capture.
17. Any fish auctioned under the authority of any permit issued are for consumption only and not used for any commercial purpose. **Permit holders must ensure the public is made aware of this condition prior to the auction either through signage or public announcement.**
18. Permits will authorise the auction of **finfish only**. Permits will not authorise auction of molluscs (Squid, Calamari, Abalone, Oysters, Pipis etc) or crustaceans (Crabs, Lobsters, Prawns etc).
19. No Spanish mackerel of 10kg or over should be included in any Charity Fish Auction due to the increased risk of ciguatera poisoning.
20. Fish auctioned under this permit exceeding the weight quantities prescribed under Clause 199 of the *Fisheries Management (General) Regulation 2019* must be issued with a receipt of sale. These quantities are:
 - 3 kg whole weight
 - 1.5kg fillet weight
21. Net monies raised must go to the NOMINATED CHARITY.
22. The permit holder must complete an inventory for the type, number and weight for each lot of fish and monies raised. In addition to the fish records required by Section 123 and 123A of the *Fisheries Management Act 1994*, auction records are also to be kept of quantity and species of fish auctioned and details made available to the Deputy Secretary, NSW DPIRD and as required by NSW Fair Trading ([Key responsibilities for fundraisers | NSW Government](#)).
23. The permit holder must attend the auction and ensure that proceedings are in accordance with the conditions of their permit.
24. The permit holder must submit a report listing income, expenditure and donations for each auction. (Forms will be supplied with approved Permit). Expenses deducted from the proceeds from the charity auction and or raffle should be lawful, proper and reasonable and should relate directly to the auction and or raffle.
25. Proof of donation, such as a receipt, from the charity must be provided with the Income and Expenditure Account Form. Please note that the Lotteries and Art Unions Act also has conditions on the conduct of auctions and or raffles.

Applicants should **allow up to 8 weeks** for the application to be processed and assessed. To avoid delays or refusal, this form should be completed in full and include any supporting documentation or information necessary to allow proper assessment of the application. Incomplete applications will result in a delay or refusal of the application. Applications are considered on merit, and the issue of a permit is not guaranteed. Factors considered include the proposed fishing method/s, quantities of fish and sustainability of the resource.

No application fee applies to charity fish auction permit applications. Please note, any requests to amend your permit and associated application will not be accepted once the permit is issued. You will be required to re-apply for the permit.

Guidelines for Completing an Application for Section 37A are available on the Departments website.

For assistance with completing an application please contact the fisheries permits team on 1800 994 850 or email fisheries.permits@dpird.nsw.gov.au.

Have you held or do you hold a current section 37A permit related to the current application?

☐

No (new application)

☐

Yes

If yes, please provide the current and/or expired permit number:

Section 37A Permit No.	
------------------------	--

1. Applicant details

Refer to Section 5 of the Guidelines for Completing an Application for Section 37 and 37A Permits.

Full name of applicant: (Proposed permit holder)	
Institution or organisation: (If applicable)	
ABN No. / Trading Name: (If applicable)	
Full name of an additional specified person (include email address) or class of persons to appear on permit: (e.g., an assistant under direct supervision of the permit holder)	
Home address:	Address: Suburb: State: Postcode:
Contact details:	Contact person's name: Work number: Mobile number: Email address:

2. Auction activities overview

Refer to Section 5 of the Guidelines for Completing an Application for Section 37 and 37A Permits.

Organisation or group: (If applicable)	
List the nominated charity benefiting from the sales at auction	
Description of proposed activities: (Describe the proposed activities). <u>Include a description of any proposed charity auction details including the reason for the application and how the funds raised from the auction will be used for what charitable purpose.</u> Include any information necessary to accurately explain the proposed activities in full, where relevant attach maps, diagrams, photos and/or detailed descriptions of aspects of the activities, particularly those aspects that may contribute toward the activity having an impact on the environment).	
List the proposed venue and address of the auction	
List the proposed date(s) for the auction. Note: These must be aligned with a large competition event open to the public or fishing club/organisation members)	
Provide the proposed number of participants donating their catch to auction:	
Fish to be auctioned will be obtained from:	
Provide the NSW Government Authority to Fund Raise Number:	

3 Declaration

The information I have provided in this application is true and correct in every detail.

Name	Signature	Date

4 Submitting your application

Applications and enquiries should be forwarded by email to fisheries.permits@dpird.nsw.gov.au

Privacy Collection Notice

Information collected on this application is subject to the *Privacy and Personal Information Protection Act 1998*. You must provide the information for the NSW Department of Primary Industries and Regional Development (DPIRD) to assess the application and to administer section 37A permits under the *Fisheries Management Act 1994*. Information collected will be stored securely within the NSW DPIRD's records management system, to which only authorised personnel have access.

NSW DPIRD may use the information and disclose it to authorised agencies by way of a Memorandum of Understanding, for related administration, regulation, research, and statistical reporting purposes. For example, but not limited to, purposes such as biosecurity matters, licensing with other agencies, industry extension and grant applications. The information may be pooled in a manner not identifying individuals to form industry-based statistics. This de-identified information may be made publicly available on the NSW DPIRD website. Information collected may also be subject to other lawful requests for information such as subpoenas or GIPA (Government Information Public Access) requests. Section 19(2)(h) of the *Privacy and Personal Information Protection Act 1998* allows the disclosure of information when permitted or required by an Act (including an Act of the Commonwealth) of any other law.

Any email addresses collected may be used to electronically serve instruments if the customer has agreed to receive documentation from NSW DPIRD electronically. Information collected will be destroyed when no longer required. You may access or correct your information by emailing fisheries.permits@dpird.nsw.gov.au. For more information, please refer to the following: <https://www.nsw.gov.au/departments-and-agencies/dpird/access-information/privacy-statement> and <https://www.nsw.gov.au/departments-and-agencies/dpird/access-information/privacy-management-plan>.