

Application for Approval of Transfer of a Fishing Business or Components of a Fishing Business

IMPORTANT NOTICE:

Department Primary Industries and Regional Development Fisheries (DPIRD Fisheries) 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.

For information on the rules applying to a fishery refer to the Department Primary Industries and Regional Development Fisheries (DPIRD Fisheries) commercial fishing webpages at:

<https://www.dpi.nsw.gov.au/fishing/commercial>
<https://www.dpi.nsw.gov.au/fishing/commercial/licensing-forms>
<https://www.dpi.nsw.gov.au/fishing/closures>

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)

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 Deputy Secretary Fisheries and Forestry.

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. **Please Note: This form must be signed in person before submitting. Electronic signatures will not be accepted.** Please see the Schedule of Fees on the DPIRD Fisheries website <https://www.dpi.nsw.gov.au/fishing/commercial/licensing-forms> for more information.

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,
- “**DPIRD Fisheries**” means Department Primary Industries and Regional Development - Fisheries
- “**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.

SUBMITTING THE FORM:

- Email to: cfcs@dpi.nsw.gov.au
- Fax to: (02) 4424 7449
- Mail to: Commercial Fisheries Customer Services, LMB 3020, NOWRA NSW 2541

For assistance completing this form contact Commercial Fisheries Customer Services on 1300 720 662 (Mon-Fri 8.30am – 4.30pm, excluding public holidays)

ALL 9 PAGES OF THE TRANSFER FORM SHOULD BE SUBMITTED - DO NOT SEPARATE ANY PAGES OF THE FORM.

WARNING: DPIRD Fisheries 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.

Privacy notice:

The personal information provided by you on this form is subject to the Privacy and Personal Information Protection Act 1989. You must provide this information, otherwise the Department Primary Industries and Regional Development Fisheries (DPIRD Fisheries) cannot assess your application for a commercial fishing licence.

In addition to assessing your application, DPIRD Fisheries may use and disclose your personal information to carry out its functions under the Fisheries Management Act 1994 to conserve, develop and share the fishery resources of NSW. This may include disclosing your information to third parties such as other Government agencies, independent researchers (for example, university researchers), mailing houses, and data, insights, and research organisations.

DPIRD Fisheries will not disclose your personal information to any person except as set out in this privacy notice or where permitted or required by law. If you want to gain access to or amend your personal information or want more details about privacy, please contact us at gipa@regional.nsw.gov.au. For more information refer to the [Privacy Management Plan | NSW Government](#)

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 8). **Electronic signatures will NOT be accepted.**
3. Please see the Schedule of Fees on the Department Primary Industries & Regional Development website in respect to the fee payable for this application: www.dpi.nsw.gov.au/fishing/commercial/licensing-forms for more information.
4. Any outstanding and/or overdue fee, instalment, contribution, or other amount owing in relation to any share or endorsement for which the application is made must be paid prior to the transfer. It would be in the interest of both parties to consider and make arrangements to settle any charges incurred prior to the transfer being completed.
5. If either the transferor or transferee is a company, the full names of the company and the authorised person(s) 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(s) (with position indicated) who is authorised to sign documents on behalf of the company must accompany this application. ALL directors are required to sign on behalf of the company.
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 Grant of Probate 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:** If the transferee intends to undertake commercial fishing activities but does not hold a current commercial fishing licence an application for such a licence should be submitted.

Application forms are available from the NSW DPIRD website:

www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms

Share Management Fisheries Only

1. The original of any written contract or agreement for sale/transfer in respect of the transaction must accompany this application.
2. If relevant, a completed mortgage release/discharge form (transferor only) must accompany this application form.
3. 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 DPIRD Fisheries 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 Deputy Secretary Fisheries and Forestry 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:		FB Owner Registration Number:	
FB Owner Name(s):			
ABN: (if applicable)		Date of Birth:	
Residential Address:			
	Postcode:		
Postal Address (if different from above):			
	Postcode:		
Contact Name:			
Home Phone:		Mobile Ph:	
Email:			

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

Name(s):			
Date of Birth:		Contact Name	
Registration Number: (if applicable)		ABN: (if applicable)	
Residential Address:			
	Postcode:		
Postal Address (if different from above):			
	Postcode:		
Home Phone:		Mobile Ph:	
Email:			

I request the transfer of:	☐ the FB including all components (new entrants and existing FB owners) ☐ the components of the FB as listed in section 2A to transfer into my existing FB - Specify FB Number: (existing FB owners only) ☐ 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:	☐ The Original Agreement / Contract of Sale is enclosed with this application ☐ No Written Agreement / Contract of Sale exists in relation to this application

Have you previously signed a Deed of Release as part of a FB Buy-out Scheme? If yes, provide FB details. Buy-outs: Persons who have participated in buy-out schemes may be precluded from future participation in a particular fishery or specified waters.	☐ No ☐ Yes - FB Number: FB Number:
Do you have a professional relationship with DPIRD Fisheries as an employee, or as a contractor to DPIRD Fisheries either through a business owned by you or as a subcontractor? Note: Applications will be assessed to determine that no conflict of interest would arise through the approval of the application.	☐ No ☐ Yes – Please specify:

2. APPLICATION DETAILS

Please complete Parts A, B or C as appropriate.

A - SHARE TRANSFER DETAILS - Complete this section ONLY if it is proposed to transfer shares.

Refer to the current Fishing Business Determination Certificate (which lists the current share class codes, share class descriptions and the number of shares currently held by the transferor's FB) for assistance with completing this section.

Enter the details of the shares you propose to transfer in the table below (see also NOTES below).

Share Class Code	Share Class Description	Number of Shares Currently Held	Number of Shares to be Transferred	Total Price Paid Per Share Class (\$)

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

NOTES:

- Mortgaged shares cannot be transferred without the written consent of the mortgagee (that is, the mortgage must be released or discharged by the mortgagee).
- If quota is to be transferred with shares (abalone and lobster share management fisheries only) please attach a completed quota transfer form with this application.
- If the transfer results in a fishing business having no components, that fishing business will not be available for future transfers.

B – QUOTA SHARE TRANSFER DETAILS – Complete this section ONLY if it is proposed to transfer quota shares

Enter the details of the quota shares you propose to transfer in the table below (see also NOTES below).

Quota Share Class Code	Quota Share Class Description	Number of Quota Shares Currently Held	Number of Quota Shares to be Transferred	Total Price Paid Per Quota Share Class (\$)

NOTES:

- Shares, Quota shares and Quota can all transfer independently of each other.
- If quota is to be transferred, please attach a completed quota transfer form with the application.
- If the transfer results in a fishing business having no components, that fishing business will not be available for future transfers

C - 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.

☐	Southern Fish Trawl Restricted Fishery	Price Paid for Endorsement:	\$
☐	Sea Urchin and Turban Shell Restricted Fishery	Price Paid for Sea Urchin Endorsement:	\$
		Price Paid for Turban Shell Endorsement:	\$
☐	Inland Restricted Fishery, Class A Yabby and Carp (Transferable)	Price Paid for Endorsement:	\$
☐	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 Deputy Secretary Fisheries and Forestry 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 Deputy Secretary Fisheries and Forestry approves it and registers the transaction in the Share Register and/or the Fishing Business Determination Register; and
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 the entire fishing business including all its components (being all shares and/or restricted fishery endorsements and/or external fishing authorities) as determined by the Deputy Secretary Fisheries and Forestry 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 the 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 Deputy Secretary Fisheries and Forestry.

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:	
Name(s) of Transferor:	
If a Company or Partnership: Name(s) of Signatory and Position held (eg Director / Partner):	
REQUIRED: Signature(s) and date:	Transferor must sign. (If owned by company or partnership, all parties must sign) Date / /
WITNESS Witness name:	
Witness address:	
Signature and date:	Date / /

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

B - APPLICATION AND DECLARATION BY TRANSFEREE

I/We, the undersigned, hereby apply to the Deputy Secretary Fisheries and Forestry 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 Deputy Secretary Fisheries and Forestry 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 if applicable (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 Deputy Secretary Fisheries and Forestry.

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 Deputy Secretary Fisheries and Forestry.

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)	
Name(s) of Transferee:	
<u>If a Company or Partnership:</u> Name(s) of Signatory and Position held (eg Director / Partner):	
<u>REQUIRED:</u> Signature(s) and date:	Transferee must sign. (If Transferee is a company or partnership, all parties must sign) Date / /
WITNESS Witness name:	
Witness address:	
Signature and date:	Date / /

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

4. PAYMENT OF APPLICATION FEE

Please do not provide any credit card details on this form. DPIRD Fisheries - Commercial Fisheries Customer Services will contact you at the appropriate time for payment.

Method of payment	
Amount to be charged:	\$
Method of payment:	☐ Credit Card (Commercial Fisheries Customer Service will call for payment details)

Please refer to the Schedule of Fees <https://www.dpi.nsw.gov.au/fishing/commercial/licensing-forms> for more information.