



Fish Resources Management Act 1994
Sections 97 & Regulation 67

Application for the Grant of an Aquaculture Lease

Information Relating to Application

This form must be used to make an application to the Minister for Fisheries for an aquaculture lease. The completed form is to be lodged with the Department of Primary Industries and Regional Development. For its proper consideration, the application must comply with the relevant sections of the *Fish Resources Management Act 1994* (the Act) and the *Fish Resources Management Regulations 1995* (the Regulations).

Application Fee

The prescribed application fee must accompany this form. See Part 2 of Schedule 1 of the Regulations. Fees may be subject to change.

Relevant Sections of the Act and Regulations

Section 97 of the Act – Leases, grant of

(5A) Before granting or renewing a lease, the Minister must be satisfied of all of the following —

- (a) the person is a fit and proper person to hold the lease;
- (b) it is in the better interests of the State and the community to grant or renew the lease;
- (c) the applicant will make, or has made, effective use of the area of land or water the subject of the lease for aquaculture purposes;
- (d) the activities to be, or that are being, conducted under the lease are unlikely to adversely affect other fish or the aquatic environment;
- (e) any other matters prescribed for the purposes of this subsection.

Regulation 67 of the Regulations – Aquaculture leases, application for

(1) An application for the grant or renewal of an aquaculture lease must be —

- (a) made to the Minister in a form approved for that purpose by the CEO; and
- (b) accompanied by the fee set out in item 10 of Part 2 of Schedule 1; and
- (c) accompanied by any information that the Minister reasonably requires for a proper consideration of the application.

(2) An applicant must provide the Minister with any further information that the Minister by notice in writing requires the applicant to provide in respect of an application.

(3) An applicant must, if required to do so by the Minister, verify by statutory declaration any information contained in, or given in connection with, an application.

(4) The Minister may refuse to consider an application if the application does not conform to a provision of this regulation or if the applicant has failed to comply with a provision of this regulation.

The Minister may refuse to consider an application if the application does not conform, or has failed to comply with, a provision of the legislation. The application must be completed correctly, contain all the necessary information, and be for an area of land or water over which the Minister has the power to grant a lease.

Fisheries legislation changes from time to time. Current, full versions of the Act and the Regulations can be viewed [here](#).

Policies and Policy Guidelines

'*The Granting, Renewal and Regulation of Aquaculture Leases in Western Australia*' provides guidance to applicants on the application process. The document is available [here](#). Applicants should familiarise themselves with this policy prior to the completion of this document.

Ministerial Policy Guideline No. 8. '*Assessment of Applications for Authorisations for Aquaculture and Pearling in Coastal Waters of Western Australia*' is also relevant to the assessment of aquaculture lease applications.

Aquaculture is a developing industry in Western Australia and licensing policies are under constant review. Applicants should therefore ensure that the latest information is obtained from the Department of Primary Industries and Regional Development on current and proposed licensing policies that are relevant to the aquaculture proposal.

Register

Applicants should be aware that the details of any aquaculture lease granted will be recorded on a Register and may be available for public search.

Instructions for Completing and Lodging this Application

PART A – Applicant

If the applicant is a partnership or company made up of individuals, the full name of each individual should be provided.

If the applicant is a company, the following details should be provided with the application –

- Full company name and Australian Company Number (ACN); and
- Copy of current Australian Securities & Investments Commission (ASIC) company extract providing names of officeholders including directors and company secretaries.

PART B – Relationship to Aquaculture Licence

State the details in relation to the nature of the licence or licence application that exists for the site.

PART C – Additional Information

List additional information sheets attached to the application. If a licence application accompanies this application, the additional information sheet for that application may be referred to. If this application is for a site subject to an existing licence, the information sheet relevant to a lease should be referred to.

PART D – Applicant’s Declaration

There are penalties under the Act for making false or misleading statements in applications.

PART E - Execution of Application

Signatures: If the lease is to be held in the name of more than one person then all persons to be listed as holders of the lease must sign and date the application.

Corporations: The company must properly execute the form. A copy of the register of directors and officers (names and addresses), together with a copy of that part of the constitution governing the use of the seal (if any) must be provided with the form.

Where the form is executed by a sole director and sole company secretary, the relevant declaration under s.129 of the *Corporations Act 2001* must be made.

Attorney: If the applicant has appointed an Attorney, the Attorney signing may be required to produce the relevant Power of Attorney instrument for viewing and a copy for recording.

Lodging the Application

By mail to:

Department of Primary Industries and Regional Development
Locked Bag 39
Cloisters Square Post Office
Perth WA 6850

By email to:

aquaculture@dpird.wa.gov.au

The Department will begin assessment of your application upon receipt of your application form; however, we will not be able to proceed with the official consideration process until we have received the signature page with the signatures of all relevant parties. Additionally, we will not be able to proceed until we receive confirmation that payment has been made (that is, a receipt or internal notification from our Licensing Branch).

Office Use Only

Date Received	
Application Fee Paid	
Receipt No.	

Fish Resources Management Act 1994
APPLICATION FOR THE GRANT OF AN AQUACULTURE LEASE
 Section 97 & Regulation 67

To the Minister for Fisheries

The applicant named in Part A, hereby applies for an Aquaculture Lease to occupy and use a site in or upon which aquaculture activities are or will be engaged in pursuant to an Aquaculture Licence.

PART A – Applicant			
Applicant			
If more than one person is applying, please indicate the tenancy arrangements: <input type="checkbox"/> Joint Tenants <input type="checkbox"/> Tenants in Common			
ACN (if applicable)			
Business Address			Postcode
Postal Address			Postcode
Phone No.	()	Fax No.	()
Email Address			
Names of Directors			

PART B – Additional Information	
Is the proposed site within an Aquaculture Development Zone? If yes, which one? _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Specify what 'Additional Information Sheets' are included with this application: 	

PART C – Relationship to Aquaculture Licence	
Does an aquaculture licence already exist over the proposed site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the following details: Aquaculture licence number _____ Date of expiry _____ Licence holder _____	
If no, has an application for an aquaculture licence been submitted? If yes, on what date was it submitted? _____ If no, please note that this application will not be assessed until an application for an aquaculture licence has been submitted.	<input type="checkbox"/> Yes <input type="checkbox"/> No

PART C – Applicant’s Declaration

I/We declare that:

- a) I/We have read ‘Information Relating to Application’ and ‘Instructions for Completing this Form’; and
- b) the statements made in this application, including any additional information attached to this application, are true and correct.


PART D - Execution of Application

Individual persons/partnership

Name:	Name:
Signature:	Signature:
Date signed [/ /20]	Date signed [/ /20]
Name:	Name:
Signature:	Signature:
Date signed [/ /20]	Date signed [/ /20]

Corporation

The Common Seal of the applicant is hereunto affixed in accordance with the corporation’s Constitution:

	Director:
	_____ Print name above
	(signature) _____ Date signed [/ /20]
	Director/Secretary:
	_____ Print name above
	(signature) _____ Date signed [/ /20]

Declaration where sole director/secretary (if applicable)

I _____ declare that I am the sole director and sole company secretary of
(print name)

(company name)

_____ (signature)
Date signed [/ /20]

Power of Attorney

Attorney under power: _____ (print name) _____ (signature)

Register number: _____ Date signed [/ /20]
(print number)