

## INSTRUCTIONS FOR COMPLETING A FORM T-3

### PART A

1. Before completing the form **read** these instructions. Use **BLOCK LETTERS** when completing the form.
2. **Authorisation Holder** - Specify the full name, business address, postal address and email address (if applicable) of the authorisation holder(s) as recorded on the authorisation(s). If the authorisation holder is a corporation, print the Australian Company Number ('ACN') and the Australian Business Number ('ABN') after the name. Specify the business hours telephone and facsimile numbers.
3. **Authorisation from which part of an entitlement is to be temporarily transferred** - Specify the nature of the authorisation (eg. Shark Bay Snapper Managed Fishery Licence) and the authorisation number. Also specify the part entitlement that is to be transferred (eg. a number of units of entitlement, and class of units). In regard to entitlement conferred under the West Coast Rock Lobster Management Plan 2011, specify the latest catch and disposal record number and the date it was lodged. The authorisation holder listed under Part A2 is to state whether the units of the part of the entitlement being transferred are exhausted. The CEO may refuse to transfer an entitlement, or part of entitlement if the entitlement conferred by the licence is exhausted. Refer to clauses 15 (2) (e) and (f) of West Coast Rock Lobster Management Plan 2011.

### PART B

4. **Authorisation(s) to which entitlement is to be temporarily transferred** - Specify the nature of the authorisation (eg. Shark Bay Snapper Managed Fishery Licence) and the authorisation number of the authorisation(s) to which the part of the entitlement is to be transferred. Use an Additional Sheet if required. Specify the sale price of the transfer.

### PART C

5. **Duty** - The *Duties Act 2008* provides that duty is payable where part of an entitlement is transferred. The documentation referred to by the Office of State Revenue 'Duties Fact Sheet – Business Licences' in respect of transactions under the *Fish Resources Management Act 1994* **must be provided** with the application form.
6. **Consent under section 140(5)** – If a security interest notation on the register is not to be removed prior to the proposed transfer, then the authorisation holder may consent to the application proceeding within the 21-day period of notice mentioned in subsection 140(4). **Note:** A form for the removal of a security interest notation is available from the Department of Fisheries.
7. **Date temporary transfer is intended to occur** – Specify when it is intended that the transfer be effected. Eg. "immediately" or "On (date)". **Note:** It is the responsibility of the authorisation holder to ensure that the entitlement of the licence is not exceeded either before or after transfer. **Note:** The transfer will not necessarily be effected on a date specified. The formal approval of the Chief Executive Officer will be given in writing when the transfer is effected.
8. **Declaration** - There are penalties under the *Fish Resources Management Act 1994* for making false or misleading statements in applications.
9. **Execution of application**  
**Signatures** – All the persons recorded on the register as being holders of the authorisation must sign and date the application form. An Executor may only apply if already recorded as Executor on the relevant authorisation. A copy of the Grant of Probate must be lodged with the application form (unless previously provided).  
**Corporations** – The company must properly execute the form. A copy of the register of the directors/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 the sole director and sole company secretary the relevant declaration under section 129 of the Corporations Law must be made.  
**Attorney** - If the authorisation holder has appointed an Attorney, the Attorney signing may be requested to produce the relevant Power of Attorney instrument for viewing and a copy for recording.

### PART D

10. **Consent of Holder of Security Interest** - A security interest holder may consent to the application proceeding within the 21-day period of notice mentioned in subsection 140(4). See also Instruction 6 above. Refer to Instruction 9 above for execution requirements.

## **APPLICATION FOR THE TEMPORARY TRANSFER OF PART OF AN ENTITLEMENT**

### **Information Relating to Applications**

**This Form is to be used by the holder of an authorisation to apply to the Chief Executive Officer for the temporary transfer of part of an entitlement under an authorisation to another authorisation.**

#### **Application Fee**

The prescribed application fee must accompany this application form. See Part 2 of Schedule 1 to the regulations. (Note: Fees may be subject to change.)

#### **Applying for the temporary transfer of part of an entitlement**

Section 141(1) of the Act provides for the making of an application for the temporary transfer of part of an entitlement from under one authorisation (licence or permit) to another authorisation, but only where the management plan or the regulations authorises the transfer. Refer also to regulation 138 and the provisions of any relevant management plan.

#### **SECTION 141(1)**

If -

- (a) the holder of an authorisation applies to the CEO for the transfer of part of an entitlement under the authorisation for a limited period; and
- (b) the relevant management plan or the regulations authorise the transfer,

the CEO may transfer the part of the entitlement to another authorisation for a specified period.

#### **REGULATION 138**

Part of an entitlement under an authorisation may not be transferred under section 141 of the Act for a period ending on a day after the authorisation would expire, if it were not renewed.

#### **Attention**

**Fisheries legislation changes from time to time. To assist fishers, aquaculturists and members of the public to access fisheries legislation, the Chief Executive Officer has arranged for up-to-date fisheries legislation to be made available on the internet. Fisheries legislation may be viewed by logging on to the Department of Fisheries website ([www.fish.wa.gov.au](http://www.fish.wa.gov.au)) and clicking on the Legislation link on the top of the home page. The Chief Executive Officer recommends the licence holders and persons acting on their behalf (eg. Employees), regularly access this legislation service and make themselves aware of the fisheries legislation that relates to their activities.**

#### **Duty**

Under the provisions of the *Duties Act 2008*, duty is payable with respect to the transaction the subject of this application.

Please refer to 'Duties Fact Sheet – Business Licences' provided by the Office of State Revenue for further details regarding your obligations under that Act, and for the requirements that must be satisfied before the Chief Executive Officer will accept this application form.

**Note: Applicants should be aware that the details disclosed in this application form will be recorded on the register maintained under the Act and be available for public search.**

Department of Fisheries  
 3<sup>rd</sup> Floor, SGIO Atrium  
 168-170 St George's Terrace  
 PERTH WA 6000  
 Phone: (08) 9482 7333  
 Fax: (08) 9482 7390

Office Use Only	
Date Received:	
Fee Paid:	
Receipt No.:	

*Fish Resources Management Act 1994*  
 Section 135 and 141

**Application for the Temporary Transfer of Part of an Entitlement (Form T-3)**

To the Chief Executive Officer: The authorisation holder specified in Part A **hereby applies** for the **temporary** transfer of the part of the entitlement specified in Part A to the authorisation(s) specified in Part B.

**PART A**

1. I **declare** that I have read the 'Information Relating to Applications', 'Instructions for Completing a Form T-3' and the 'Office of State Revenue ("OSR") 'Duties Fact Sheet – Business Licences' in respect of transactions under the *Fish Resources Management Act 1994*.

2. **Authorisation Holder:**

Name(s): .....

Business Address: .....

Postal Address: .....

ACN: ..... ☎: ..... Fax: .....

ABN: ..... Email: .....

3. **Authorisation from which part of an entitlement is to be transferred:**

Authorisation Nature and No: .....

Details of part of entitlement to be transferred: .....

In regard to entitlement conferred under the West Coast Rock Lobster Management Plan 2011-

Last Catch Disposal Record (CDR) No:.....Date:.....

Have the units of the part of the entitlement that is being transferred been exhausted? [yes / no] .....

**PART B**

4. **Authorisation(s) to which entitlement is to be transferred**

Authorisation Nature and No: .....

Holder of Authorisation: .....

Details of part of entitlement to be transferred to this authorisation: .....

Unit sale price: ..... Total sale price : .....

Authorisation Nature and No: .....

Holder of Authorisation: .....

Details of part of entitlement to be transferred to this authorisation: .....

Unit sale price: ..... Total sale price : .....

**PART C**

**5. Duty**

Is this application made pursuant to a transaction (agreement) for the transfer of the part entitlement?

[yes / no] .....

If “Yes”, provide evidence to show that the transaction (agreement) has been lodged with the Commissioner of State Revenue for assessment of duty. Refer to the OSR ‘Duties Fact Sheet – Business Licences’ for details.

If “No”, a copy of the duty endorsed ‘Transfer Duty Statement – Acquisition of an authorisation of entitlement under the *Fish Resources Management Act 1994*’ prepared pursuant to Division 2 Part 4 of the *Duties Act 2008* must be provided with this application form. Refer to the OSR ‘Duties Fact Sheet – Business Licences’ for details.

**6. Consent under section 140(5)**

Is an ‘Application for the Removal of a Notation of a Security Interest on the Register’ included with this application form?

[yes / no] .....

Does the authorisation holder specified in Part A above consent to this application for transfer proceeding within the 21 day period of notice specified in subsection 140(4) of the Act?

[yes / no / NA] .....

**7. Date temporary transfer is intended to occur** .....

**8. Declarations**

I declare that the statements made in this Application are true and correct.

**9. Execution of Application**

**Individuals**

..... (signature)	..... (print name)	..... (date)
..... (signature)	..... (print name)	..... (date)
..... (signature)	..... (print name)	..... (date)

**Corporation**

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



Director : .....	.....	.....
(signature)	(print name)	(date)
Director/Secretary: .....	.....	.....
(signature)	(print name)	(date)

**Declaration where sole director/secretary (if applicable):**

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

.....	.....	.....
(print company name)	(signature)	(date)

**Attorney**

Attorney under Power: .....	.....	.....
(signature)	(print name)	(date)

**PART D**

**10. Consent of security interest holder(s)**

A holder of a security interest noted on the register may consent to the temporary transfer of the part entitlement in accordance with this application form.

I/We the registered holder(s) of a security interest over the authorisation specified in Item 2 above hereby consent to the grant of this application by the Chief Executive Officer **within the 21 day period** of notice specified in subsection 140(4) of the Act.

Name:.....

Name: .....

Signature..... Date: .....

Signature: ..... Date: .....

Name:.....

Name: .....

Signature..... Date: .....

Signature: ..... Date: .....

Name:.....

Name: .....

Signature..... Date: .....

Signature: ..... Date: .....

Name:.....

Name: .....

Signature..... Date: .....

Signature: ..... Date: .....