

## **APPLICATION FOR AN AQUACULTURE LICENCE**

Sections 92 & 135

### **Information Relating to Applications**

This form is to be used to apply for an aquaculture licence and is to be lodged with the CEO of Department of Fisheries at the address indicated. Any additional information required in support of the application (additional information requirements for species are referred to below) must accompany the application.

**Application Fee** The prescribed application fee must accompany this form. The application fee will vary depending on whether the place is freehold or non-freehold including coastal waters. See Part 2-11 of Schedule 1 to the regulations. (Note: Fees may be subject to change)

Aquaculture is a developing industry in Western Australia and licensing policies for specific aquaculture species are under constant review. Applicants should therefore ensure that the latest information is obtained from Department of Fisheries on current and proposed licensing policies for the fish species that are the subject of the aquaculture proposal.

### **Standard Criteria for Grant of Licence**

The standard criteria that must be met before an aquaculture licence maybe granted are that the CEO must be satisfied that —

- (a) the person is a fit and proper person to hold such a licence;
- (b) it is in the better interests of the aquaculture industry to grant the licence;
- (c) the activities to be conducted under the licence are unlikely to adversely affect other fish or the aquatic environment; and
- (d) the activities to be conducted under the licence have been approved by other relevant authorities.

### **Publication of Notice of Decision - Reviews**

Before granting, varying or transferring an aquaculture licence, the CEO must —

- (a) cause notice of the decision to be published in a newspaper, or in a fishing magazine, circulating generally in the State or in such other manner as is prescribed; and
- (b) give affected persons the opportunity to apply for review of the decision under Part 14 of the Act.

**NOTE: An affected person has 28 days after publication of the decision to apply for review of the decision in accordance with the Act.**

### **ADDITIONAL INFORMATION REQUIREMENTS**

Specific Additional Information Sheets must be completed for certain species ie marron, yabbies, koonacs, gilgies, trout, inland finfish, ornamental fish, silver perch and barramundi; and submitted with this form. Additional Information Sheets form part of your application.

If the aquaculture proposal affects land other than private land eg Crown land or waters (including coastal waters), a more detailed set of guidelines and an additional information sheet is available.

### **CONDITIONS**

An aquaculture licence is issued subject to the conditions set out in Regulation 69 of the *Fish Resources Management Regulations 1995* and as may be specified in the licence by the CEO\* (who may vary or cancel a condition by notice in writing).

\* On 1 July 2006 the Machinery of Government Act 2006, commenced operation. Under s.242 of that Act, any reference to "Executive Director" in the regulations is to be taken to be a reference to "CEO".

### **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 at the top of the home page. The Chief Executive Officer recommends the licence holders and persons acting on their behalf (e.g. employees) regularly access this legislation service and make themselves aware of the fisheries legislation that relates to their activities.

## INSTRUCTIONS FOR COMPLETING THIS FORM -

### PART A

1. Before completing this form **read** these instructions. Use **BLOCK LETTERS** when completing the form.

A faxed, copied or electronically reproduced copy of the form may be used. The originally executed form must be lodged.

2. **Applicant** - An applicant must be a person or a company. State the **full name** of each applicant. Print the Australian Company Number ("ACN") of a corporate applicant. State the full **business address** including the postcode. The business address must be a place, not a post office box number, and is normally the office address of the business. State a **telephone and facsimile number** (where available). State the mailing address of the applicant(s) (where this is the same as the business address write "as above").

### PART B

3. **Description of place (site) where aquaculture is to be conducted** - State the full description (address) of the location of the place where the aquaculture activity is to be conducted including the nearest road. If the aquaculture activities are proposed to be conducted in or on a place that is not private land (including a site in coastal waters), state whether the place is in an area that has been determined to be suitable for the proposed aquaculture activities. If the site is located in coastal waters and has not been determined as available for aquaculture activities of the type proposed, the application will be assessed taking into account Ministerial Policy Guideline No. 8 titled "Assessment of applications for new authorisations for aquaculture and pearling in coastal waters of Western Australia".
4. **Registered proprietor(s) of place** - State the full name(s) of each registered proprietor(s) (that is, owner(s)) of the place where the aquaculture activity is to be conducted.  
**Nature of applicant's tenure** - Where an applicant is not the registered proprietor (owner), details of the applicants' relevant tenure arrangements (right to use the premises/place) must accompany this application together with a copy of any relevant documents (eg. "Deed of Lease").
5. **Scale plan** - Attach a detailed plan showing existing and proposed tanks, dams and other structures. - e.g. in the case of "marron" applications, the total water surface area (m<sup>2</sup>) is to be given. Please ensure that you clearly differentiate between existing and proposed dams, ponds and tanks. Any streams or rivers on the property must be marked on the plan.
6. **Approvals** - written approvals from the Local Government Authority (Shire), Department of Water, Department of Environment and Conservation and the Environmental Protection Authority may be required to support your application. You may need to submit a copy of your application to those organisations to ensure it meets their requirements. Applications will not be considered by Department of Fisheries unless they are accompanied by relevant approvals and / or clear reference has been made to the steps taken in this regard. In general, Local Government approval will be required for most applications. Approval from the Department of Environment & Conservation may be required for applications in respect of finfish and prawns, particularly for open systems or systems that result in effluent discharge. Suitability-of-site issues in coastal waters may be the subject of Ministerial Guidelines. Further information is available from Department of Fisheries.

### PART C

7. **Aquaculture Species** - State both the common and scientific names of the species of fish it is proposed will be the subject of the aquaculture activities. (See Additional Information Sheets for relevant species).
8. **Additional Information Sheets (AIS)** – Indicate which AIS are submitted with this form. If there is no specific AIS for the species requested provide details of source of breeding stock, culture techniques, water consumption and other approvals where applicable eg Local Authority, Dept of Water, Dept of Environment & Conservation.  
**Marron** - There are two types of aquaculture licence for marron. They are "Marron" and "Marron (Limited)". The criteria for the grant of each type of licence may be found on the Marron Additional Information Sheet.  
**Yabbies, Koonacs and Gilgies** - There are two types of aquaculture licence available for yabbies, koonacs and gilgies. They are commonly known as "Growers" and "Harvesters". The criteria for each type of licence may be found on the Yabbie/Koonac/Gilgie Information Sheet.
9. **Fit & Proper Person Criterion** – Specify why the applicant is a 'fit & proper person' taking into account honesty, knowledge & ability. Where a specific Additional Information Sheet exists complete this.
10. **Declaration** - there are penalties under the *Fish Resources Management Act 1994* for making false or misleading statements in applications.
11. **Execution of Documents**  
**Signatures** - if the licence is to be held by more than one person, then all persons to be named on the licence must sign and date this Application.  
**Corporations** - The company must properly execute the form. A copy of the register of directors/officers (names & 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 & 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 must produce the relevant Power of Attorney instrument for viewing and a copy for recording.

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

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

*Fish Resources Management Act 1994*  
**APPLICATION FOR AN AQUACULTURE LICENCE**  
 Sections 92 & 135

**To the Chief Executive Officer  
 Department of Fisheries**

The applicant named in Part A hereby applies for an aquaculture licence to engage in aquaculture activities at the place described in Part B in relation to the species and techniques specified in Part C and the relevant Additional Information Sheet(s).

**PART A**

- I declare** that I have read 'Information Relating to Applications' and 'Instructions for Completing This Form'.
- Applicant(s):  
 .....  
 ACN: (if applicable) .....  
 Business Address: .....  
 .....  
 Postal Address:.....  
 .....  
 ☎: (....) ..... Fax: (....)..... Email: .....

**PART B**

- Description of Location of Place where aquaculture is to be conducted: .....  
 .....  
 .....
- Registered Proprietor(s) of Premises/Place (*where relevant*):  
 Nature of Applicant's Tenure Arrangements .....
- Scale Plan attached Yes / No.....
- Approvals Obtained Local Government Authority  Department of Environment & Conservation  
 Environmental Protection Authority  Department of Water

**PART C**

- Aquaculture Species:.....  
 .....
- Additional Information Sheets - Are there any Additional Information Sheets submitted with this form? Yes / No If yes, specify the Additional Information Sheets submitted.  
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If No, provide details, for each species requested, of the source of breeding stock, culture techniques, water consumption and other approvals where applicable eg Local Authority, Dept of Water, Dept of Environment & Conservation.

9. **Fit & Proper Person Criterion**

Provide comment on your honesty, knowledge and ability to conduct the activities you are applying to undertake. (If an Additional Information Sheet on this has been submitted with this form, please indicate this.)

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.....  
.....

10. **Applicant's Declaration**

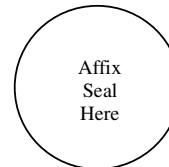
I/We declare that the statements made in this Application, including Additional Information Sheets, are true and correct.

11. **Execution of Application**  
**Individual persons/partnership**

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

**Application for an Aquaculture Licence - Additional Information Sheet  
MARRON**

**This form is to be used in conjunction with an Application for an Aquaculture Licence where marron is proposed as a species.**

There are two types of licence for marron aquaculture -

- Aquaculture Licence - Marron
- Aquaculture Licence - Marron (Limited)

**The eligibility criteria and conditions for each are outlined below.**

**A AQUACULTURE LICENCE - MARRON**

This licence allows the holder to sell any size of marron to any class of person for either stocking purposes or to the food market. There are no restrictions on sale.

**Criteria**

Applicants must

- (1) demonstrate ownership or occupancy of private property containing privately impounded water.
- (2) demonstrate infrastructure greater than 2500m<sup>2</sup> of impounded water; or
- (3) seek special consideration of the CEO for the grant of this licence in cases where the criterion of 2500m<sup>2</sup> is not met.

**B AQUACULTURE LICENCE - MARRON (LIMITED)**

This licence allows property owners to sell marron produced in 'farm dams' (private waters) provided that marron are sized 76mm or greater carapace length. These marron can only be sold to the holder of an "Aquaculture Licence - Marron" or the holder of a "Fish Processor's Licence" authorising the processing of marron.

**Criteria**

Applicants must

- (1) demonstrate ownership or occupancy of private property containing privately impounded water.
- (2) indicate whom the marron will be sold to.

Fish Resources Management Act 1994

**Aquaculture Licence  
Additional Information Sheet  
MARRON**

This sheet is to be used in conjunction with an “Application for an Aquaculture Licence”. The material disclosed in this sheet, together with attachments will satisfy the requirement for additional details in support of an application for an Aquaculture Licence.

**1. Scale Plan**

Please attach a scale plan showing the layout of all existing and proposed tanks, ponds etc. Each pond should be labelled in numerical sequence. Details of the surface area (m<sup>2</sup>) of all existing and proposed ponds/tanks to be used for farming should be provided.

Please ensure that you clearly differentiate between existing and proposed ponds and tanks.

Please indicate any streams or rivers on the property.

**2. Details of Pond Area**

Total surface area (m<sup>2</sup>) of all existing and proposed ponds/tanks/dams to be used for marron farming

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**3. Breeding Stock**

(a) If you do not currently have appropriate levels of breeding stock, please specify proposed *licensed* source(s) from which breeding stock will be obtained (ie name and address or aquaculture licence no.).

Any marron obtained to stock the farm for the purposes of commercial aquaculture, must be obtained from the holder of an appropriately endorsed aquaculture licence for marron.

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(b) If you have all or part of the required breeding stock, please specify source of stock.

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**4. Water Consumption Details**

(a) Expected annual water consumption per pond/tank/dams

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(b) Expected annual water consumption for total aquaculture operation

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**5. Source and volume of water supply (bore/soak, spring, stream, storage dam)**

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**6. Destination of drainage (name of creek or river system downstream of catchment which will receive the drainage water)**

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**7. Other approvals**

- (a) The **Department of Water (DoW)** considers that aquaculture projects located outside declared public drinking water source areas normally pose a low risk to the quality of water resources (if well designed, constructed and managed). They will generally not require routine assessment and approval by the DoW, however bore licensing and stream diversion controls will be handled by the regional offices of the DoW. Anything outside these guidelines will require written approval from the DoW and must be attached to your application for water usage plus construction of dams/ ponds etc.

In light of the DoW guidelines, is the activity in respect of which the authorisation is sought;

- |       |  |            |
|-------|--|------------|
| (i)   | to involve a bore/ soak ?                        | (Yes / No) |
| (ii)  | to induce stream diversion ?                     | (Yes / No) |
| (iii) | inside declared catchment/ water reserve areas ? | (Yes / No) |

If you have answered “Yes” to any of the above questions, written approval from the DoW must be attached.

- (b) **Local Government** authority approval *must* be attached certifying the activity can occur or that approval is not necessary.

**8. Conditions**

An aquaculture licence is subject to any prescribed conditions and any conditions imposed by the CEO in accordance with s.95(2) & (3) of the *Fish Resources Management Act 1994*. In general the CEO will impose the following conditions for a marron licence:

*Condition 17*

*In addition to the conditions of an aquaculture licence set out in Regulation 69, the following conditions apply -*

*1. Marron brought onto the property specified in this licence shall be obtained only from the holder of an aquaculture licence endorsed for marron and in accordance with that licence or from a source authorised in writing by the CEO of the Department of Fisheries.*

*2. Only marron that are the product of aquaculture carried out on the property specified in this licence in accordance with the licence or purchased from the holder of an aquaculture licence endorsed for marron and in accordance with that licence shall be sold by the holder of this licence.*

Do you wish to apply for a marron licence with the above conditions? Yes / No

**Applicant's Declaration**

**I/We declare that the statements made in this Additional Information Sheet are true and correct.**

..... Signature of applicant.....	..... Name (please print)	..... Date
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..... Signature of applicant.....	..... Name (please print)	..... Date
--------------------------------------	------------------------------	---------------

..... Signature of applicant.....	..... Name (please print)	..... Date
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*Fish Resources Management Act 1994*

**Aquaculture Licence  
Additional Information Sheet  
MARRON - (LIMITED)**

This sheet is to be used in conjunction with an “Application for an Aquaculture Licence”. The material disclosed in this sheet, together with attachments will satisfy the requirement for additional details in support of an application for an Aquaculture Licence.

**1. Scale Plan**

Please attach a scale plan showing the layout of all existing and proposed tanks, ponds etc. Each pond/tank should be labelled in numerical sequence. Details of the surface area (m<sup>2</sup>) of all existing and proposed ponds/tanks to be used for farming should be provided.  
Please ensure that you clearly differentiate between existing and proposed ponds and tanks.

**2. Details of Pond Area**

Total surface area (m<sup>2</sup>) of all existing and proposed ponds/tanks/dams to be used for marron farming

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**3. Breeding Stock**

(a) If you do not currently have appropriate levels of breeding stock, please specify proposed *licensed* source(s) from which breeding stock will be obtained (ie name and address or aquaculture licence no.).

Any marron obtained to stock the farm for the purposes of commercial aquaculture, must be obtained from the holder of an appropriately endorsed aquaculture licence for marron.

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(b) If you have all or part of the required breeding stock, please specify source of stock.

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**4. Product Destination**

Please provide details, wherever possible, of the proposed purchasers of marron (ie name and address).

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**5. Approvals Obtained**

- (a) The **Department of Water (DoW)** considers that aquaculture projects located outside declared public drinking water source areas normally pose a low risk to the quality of water resources (if well designed, constructed and managed). They will generally not require routine assessment and approval by the DoW, however, bore licensing and stream diversion controls will be handled by the regional offices of the DoW. Anything outside these guidelines will require written approval from the DoW and must be attached to your application for water usage plus construction of dams/ponds etc.

In light of the DoW guidelines, is the activity in respect of which the authorisation is sought;

- |       |   |          |
|-------|---|----------|
| (i)   | to involve a bore/ soak ?                         | (Yes/No) |
| (ii)  | to induce stream diversion ?                      | (Yes/No) |
| (iii) | inside declared catchment / water reserve areas ? | (Yes/No) |

If you have answered 'Yes' to any of the above questions, written approval from Department of Water must be attached.

- (b) Local Government authority approval must be attached certifying the activity can occur or that approval is not necessary.

**6. Conditions**

An aquaculture licence is subject to any prescribed conditions and any conditions imposed by the CEO in accordance with s.95(2) & (3) of the *Fish Resources Management Act 1994*. In general the CEO will impose the following conditions for a marron licence:

Condition 18

*In addition to the conditions of an aquaculture licence set out in Regulation 69, the following conditions apply -*

- 1. Marron brought onto the property specified in this licence shall be obtained only from the holder of an aquaculture licence endorsed for marron and in accordance with that licence, or from a source authorised in writing by the CEO of the Department of Fisheries.*
- 2. Only marron that are the product of aquaculture carried out on the property specified in this licence in accordance with the licence or purchased from the holder of an aquaculture licence endorsed for marron and in accordance with that licence shall be sold by the holder of this licence.*
- 3. Marron of a carapace length less than seventy six millimetres (76mm) shall not be sold, consigned or delivered for sale.*
- 4. Marron of a carapace length not less than seventy six millimetres (76mm) shall only be sold, consigned or delivered for sale, to the holder of an aquaculture licence endorsed for marron and in accordance with that licence and/or the holder of a fish processor's licence.*

Do you wish to apply for a marron licence with the above conditions? Yes / No

**Applicant's Declaration**

**I/We declare that the statements made in this Additional Information Sheet are true and correct.**

..... Signature of applicant.....	..... Name (please print)	..... Date
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..... Signature of applicant.....	..... Name (please print)	..... Date
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..... Signature of applicant.....	..... Name (please print)	..... Date
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**ADDITIONAL INFORMATION** in pursuant to s.135(2) of the *Fish Resources Management Act 1994*.

When considering an Application for an Aquaculture Licence additional information is required to support the application regarding whether the applicant is a 'fit and proper person'. When applying for any type of marron licence, this Additional Information Sheet must be completed.

In accordance with Ministerial Policy Guideline No. 19 *Matters of Importance in respect of the "fit and proper person" criterion for authorisations under the Fish Resources Management Act 1994* the CEO may consider the aspects of knowledge, honesty and ability.

Please provide information on the following:

Knowledge

Are you familiar with marron aquaculture techniques? Yes / No If yes, details

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Have you contacted anyone concerning the aquaculture of marron? Yes / No If yes, give details

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.....  
.....  
.....

Are you aware of

- a) the Marron Growers' Association? Yes / No
- b) the Aquaculture Council of WA (ACWA)? Yes / No

Honesty

Have you any convictions under

- a) the *Fish Resources Management Act 1994*? Yes / No
- b) Fisheries legislation in any other state of Australia? Yes / No
- c) Commonwealth fisheries legislation? Yes / No

If yes to any of the above please provide details. ....  
.....

Ability

It is a requirement under s.64 of the *Fish Resources Management Regulations 1995* that production returns are lodged. The holders of aquaculture licences on private land are required to lodge quarterly production returns.

Holders of aquaculture licences authorising the sale of marron must also complete marron consignment notes (other than retail sales) or receipts (retail sales).

Do you consider yourself able to complete & lodge returns and other documentation required of holders of aquaculture licences? Yes / No If No, give details

.....  
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