



APPLICATION FOR EXEMPTION

Section 7 & Regulation 6

This form is to be used to **apply** for an exemption from a provision or provisions of the Act or any subsidiary legislation made under the Act.

Applications for an exemption may be made to the Minister for Fisheries.

The address at which this application is to be **lodged** is the address of the Department of Primary Industries and Regional Development, which can be found on the first page of the application form.

Section 7 of the *Fish Resources Management Act 1994* states:

7. (1) The Minister may, by instrument in writing, exempt a specified person or specified class of persons from all or any of the provisions of this Act.

(2) The Minister may grant an exemption under subsection (1) for one or more of these purposes -

- (a) research;
- (b) environmental protection;
- (c) public safety;
- (d) public health;
- (e) commercial purposes;
- (f) community education about and compliance with this Act;
- (g) enforcement of this Act.

An exemption is subject to any conditions specified by the Minister for Fisheries, or a person to whom the Minister for Fisheries has delegated, under section 12 of the Act, the power to grant exemptions. A condition may be varied or cancelled by the Minister for Fisheries (or the Minister's delegate) by notice in writing.

A person who contravenes a provision of a condition of an exemption will be liable to a penalty of \$10,000 (\$20,000 if a body corporate).

A person who acts beyond the authority conferred by an exemption will be liable to a penalty for breach of the Act.

Application Fee

The Prescribed Application Fee must accompany this application.

Note: Application Fees are set out in *Fish Resources Management Regulations 1995*, Schedule 1, Part 2. Fees may be subject to change.

Instructions for completing this Application

Please use block letters when completing this Application.

Address the application to the "Minister for Fisheries".

PART A

1. **Applicant** - state the full name, business address of the applicant. Enter the daytime telephone number at ☎.

PART B

2. **Purpose for which Exemption is sought** - give details of the reason(s) for wanting to carry on the proposed activities (to be set out in Part C). Give details as to why the purpose for which the Exemption is sought is one of the purposes set out in section 7(2) of the Act, and identify the relevant paragraph of section 7(2).

PART C

3. **Proposed Activities for which Exemption is sought** - give full details of the proposed activities, including (as appropriate) by reference to quantity of fish, place or area, dates and times, persons to be involved and gear (including boats) to be used. Attach copies of relevant documents where appropriate.

PART D

4. **Provision(s) of Legislation from which Exemption is sought** - specify the provisions of the Act, Regulations or other subsidiary legislation which prohibit the proposed activities (or any part of them); [e.g. Section 46 and Regulation 10 (where the take of a totally protected fish is proposed)].

PART E

5. **Declaration** - there are penalties under the *Fish Resources Management Act 1994* for making false or misleading statements.

6. Execution of Documents -

- 6.1 **Signatures** - if the exemption is to be recorded as being held by more than one person, then all persons to be named on the exemption must sign and date this Application.
- 6.2 **Body Corporate** - if the exemption is to be held by a body corporate, the Application must be signed and sealed in accordance with the sealing clause of the Corporation's Article of the Association and dated.
- 6.3 **Attorney** - if the Applicant 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.

NOTE: Applicants should be aware that the details disclosed in this Application will be recorded on the Public Register and be available for public search.

Office Use Only

Date Received	
Application Fee Paid	
Receipt No.	

Fish Resources Management Act 1994

APPLICATION FOR EXEMPTION

Section 7 & Regulation 6

This application is made to the Minister for Fisheries at the Department of Primary Industries and Regional Development.

The applicant named in Part A, in accordance with Section 7 and Regulation 6 of the *Fish Resources Management Act 1994* and *Regulations*, hereby applies in respect of the purpose set out in Part B and in respect of the proposed activities set out in Part C for the grant of an Exemption from the provisions set out in Part D.

PART A

1. **Applicant:**
- Address:
- Post Code:
- Telephone No: (.....) Facsimile No.: (.....)

PART B

- 2.1 **Purpose for which Exemption is sought:**
-
-
- 2.2 **Identify the relevant paragraph of section 7(2) :**
-
-

PART C

3. **Proposed Activities**
-
-
-
-

PART D

4. **Provision of Legislation from which Exemption is sought**

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

PART E

5. **Declaration**

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

6. **Execution of Application**

Please sign and date in the appropriate section below.

6.1 **Individuals**

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

6.2 **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)
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Attorney

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