

APPLICATION FOR THE RELEASE OF INFORMATION

This form is to be used to apply to the Chief Executive Officer of the Department of Fisheries for catch history or entitlement use information relating to a specific authorisation.

Information Relating to Applications

Application Fee

There is no fee associated with this application at this time.

Limit on number of applications

The Department of Fisheries will process up to six applications per authorisation in each licensing year or entitlement period.

Confidentiality requirements

Section 250 of the *Fish Resources Management Act 1994* (the Act) imposes a broad confidentiality requirement on the Department. Consequently, all catch and entitlement use information received by the Department of Fisheries is considered to be strictly confidential. Notwithstanding this, it is acknowledged that from time to time there may be a need for non-Department staff to access catch or entitlement use information relating to a specific authorisation. The purpose of this form and associated procedures is to provide a clear process for non-Department staff to apply for access to otherwise confidential catch or entitlement use information.

There are limited and specific exceptions to the confidentiality requirement set out at s.250(3) of the Act (see below). In particular, the Department is required to have “the consent of the person, or each of the persons, to whom information relates” before it releases information relating to an authorisation. Applicants completing **Part B** of this form therefore need to obtain the consent (in a statutory declaration) of each of the people to whom the requested information relates before the Department will process the application and/or release the requested information. As a general rule, for catch or entitlement use information, the “people to whom the information relates” are those people listed on the relevant fishing returns that have been submitted to the Department in accordance with Regulation 64 of the *Fish Resources Management Regulations 1995* (the Regulations) or any other subsidiary legislation.

It is appropriate that the current holder of an authorisation should have some access to catch history or entitlement use information held by the Department relating to the authorisation, even if that person is not listed on returns submitted to the Department. In support of this view, Ministerial Exemption 1791 conditionally enables Department staff to release catch or entitlement use information regarding an authorisation to the authorisation holder. For the purposes of Schedule 4- Condition 1 of Exemption 1791, **Part C** of this form is to be used by authorisation holders when applying for catch or entitlement use information. When completing this section, authorisation holders are not required to obtain the consent of each person to whom the relevant information relates.

Instructions for completing form E-1

Part A – All applicants must complete Part A

1. Read and understand the information and instructions provided, then tick the declaration box.
2. Define the relevant authorisation. Use any letter prefixes and all numbers. Strictly one authorisation per application.
3. Specify the nature of the requested information as **either** catch (including catch history) or entitlement use information by completing the relevant column. All fields within the relevant column must be completed. Applications for entitlement use information that are not submitted with the required evidence will be returned to the applicant.

Part B - Applicants complete Part B or Part C only, not both.

4. Applicants who are not the holder of the relevant authorisation should complete this section. This will typically include skippers, masters and nominated operators.
5. Applicants who are not the authorisation holder **must** provide statutory declarations consenting to the release of the relevant information from every person to whom the information relates. This typically will include (but is not necessarily limited to) every person listed on catch returns regarding the authorisation that were submitted to the Department during the relevant period. Applicants who complete this section but do not provide the necessary consent/s will not be provided with the requested information.

or

Part C - Applicants complete Part B or Part C only, not both

6. The holder of the relevant authorisation should complete this section. If the applicant is not the authorisation holder, this section should be left blank.

Part D – Declaration and Execution

7. Check all details on the application. By executing the application, you are declaring that the details are true and correct.
8. Execute the application by completing the relevant parts for individuals or organisations, including a company seal if relevant. Evidence of attorney under power must be provided if relevant.

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) and clicking on the Legislation link on the top of the home page. The Chief Executive Officer recommends that authorisation 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.

<p>250. Confidentiality</p> <p>(1) In this section — “confidential information” means information contained in any —</p> <p>(a) record that is required to be kept under this Act;</p> <p>(b) return that has been submitted as required under this Act; or</p> <p>(c) record that has been voluntarily provided to the Department for the purposes of research.</p> <p>(2) Except as provided in subsection (3) or (4), a person who directly or indirectly divulges any confidential information obtained by reason of any duty or power that person has, or at any time had, in the administration of this Act commits an offence.</p> <p>Penalty: \$10 000.</p> <p>(3) Subsection (2) does not apply to the divulging of information —</p> <p>(a) in the course of the performance of any duty or the exercise of any power under this Act;</p> <p>(b) as required or allowed under this Act;</p> <p>(c) for the purposes of the investigation of any suspected offence against this Act or the conduct of proceedings against any person for an offence against this Act; or</p> <p>(d) with the consent of the person, or each of the persons, to whom the information relates.</p> <p>(4) Subsection (2) does not apply to the divulging of statistical or other information that could not reasonably be expected to lead to the identification of any person to whom it relates.</p> <p>(5) A person who has any confidential information obtained by reason of any duty or power that person has, or at any time had in the administration of this Act is, despite any law to the contrary, not to be required by subpoena or otherwise to produce or divulge that information to any court or tribunal.</p> <p>(6) This section has effect despite any provision of the <i>Freedom of Information Act 1992</i>.</p>	<p>Text of Exemption 1791</p> <p>I, Norman Moore, Minister for Fisheries, hereby exempt staff of the Department of Fisheries working in the positions listed in Schedule 1 from Section 250 of the <i>Fish Resources Management Act 1994</i> and any subsidiary legislation, which would otherwise prevent those staff from pursuing the activities described in Schedule 2, for the period set out in Schedule 3, subject to the conditions listed in Schedule 4.</p> <p>Schedule 1 - Department of Fisheries positions</p> <ul style="list-style-type: none">• Vessel Monitoring System Management Officer• Vessel Monitoring System Officer• Manager, Vessel Monitoring System• Manager (all Regions)• Regional Fisheries Management Officer (all Regions)• Manager South West Bioregion• Manager North Bioregion• Principal Management Officer• Senior Fisheries Management Officer• Fisheries Management Officer• Customer Service Officer (all Districts)• Compliance Manager (all Regions)• Compliance Manager – Rock Lobster• Compliance Manager - Abalone• Fisheries and Marine Officer (all Districts)• Supervising Fisheries and Marine Officer (all Regions)• Supervising Research Scientist• Principal Research Scientist• Research Scientist• Research Officer• Pearling Officer• Chief Executive Officer• Director, Aquatic Management• Director, Regional Services• Director, Corporate Services• Director, Research <p>Schedule 2 - Activities</p> <p>The release of information pertaining to a particular authorisation including catch records, catch returns, entitlement usage information and summaries of that information as calculated by the Department of Fisheries to the holder of that authorisation.</p> <p>Schedule 3 - Period</p> <p>From the date of this Instrument until 31 December 2011.</p> <p>Schedule 4 - Conditions</p> <p>1. Persons working in the positions identified in Schedule 1 shall not release information under this exemption unless written application is made to the Chief Executive Officer of the Department of Fisheries (CEO) on a form approved for that purpose by the CEO.</p> <p>2. Persons working in the positions identified in Schedule 1 shall not release information under this Exemption to any person other than the authorisation holder named on the approved form.</p>
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 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
 Exemption 1791 and Section 250*

Application for the release of information (Form E-1)

Chief Executive Officer of the Department of Fisheries: I hereby request the Department of Fisheries provide information associated with the authorisation identified at 2 of this form of the nature identified at 3 of this form. I acknowledge that any information provided by the Department will only be a summary of the records that have been received and are held by the Department at the date/time of signing by the authorised Department staff member. In releasing these records, the Department is not acknowledging either the accuracy or completeness of the returns submitted to the Department.

PART A – AUTHORISATION DETAILS AND NATURE OF REQUESTED INFORMATION:

1. Information and Instructions declaration

I **declare** that I have read and understand the 'Information Relating to Applications' and the 'Instructions for Completing a Form E-1' (cross to declare).

2. Authorisation (one authorisation only):

Authorisation number (include prefix):

3. Nature of requested information (complete one column only):

Entitlement use information request:	Catch information request:
<p>Note: Applications for entitlement use information must be accompanied by evidence that the applicant has made a reasonable attempt to calculate the relevant entitlement use of the authorisation for the relevant period. Evidence will typically include copies of timesheets for VMS monitored fisheries or CDR summaries.</p>	<p>Note: Applications for catch history information do not need to be accompanied by evidence that the applicant has made a reasonable attempt to calculate the catch for the relevant period.</p>
<p>Entitlement use information for the period:</p>	<p>Catch history for the period:</p>
<p>From (date):/...../..... <i>dd mm yyyy</i></p>	<p>From (date):/...../..... <i>dd mm yyyy</i></p>
<p>To (date):/...../..... <i>dd mm yyyy</i></p>	<p>To (date):/...../..... <i>dd mm yyyy</i></p>
<p>Area/zone/species:..... <i>If blank all areas/zones and species will be provided.</i></p>	<p>Comments:..... </p>
<p>Evidence attached? <input type="checkbox"/> (cross to confirm)</p>	
<p>Summary of Evidence (include units): </p>	
<p>The above is calculated to CDR #</p>	
<p>Comments:..... </p>	

PART B – NON-AUTHORISATION HOLDERS ONLY

4. Personal Details and Reason for information request:

Name(s):

Company Name or Organisation:.....

Business Address:

Postal Address:

☎: Fax: Email:

ABN: ACN:

Reason for requesting the information:.....

.....

.....

.....

5. Consent of the person, or each of the persons, to whom information relates:

I declare that the attached Statutory Declaration/s, which consent to the release of the relevant catch or entitlement use information, include every person to whom the requested information relates. (tick to declare)

PART C – AUTHORISATION HOLDERS ONLY

6. Authorisation Holder details and reason for information request:

Name(s):

Company Name or Organisation:.....

Business Address:

Postal Address:

☎: Fax: Email:

ABN: ACN:

Reason for requesting the information:.....

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PART D – DECLARATION AND EXECUTION OF APPLICATION

7. Declaration

By executing this application, I declare that the statements made in this Application Form are true and correct.

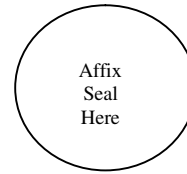
8. Execution of Application Form

Individuals

..... (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)