

Fish Resources Management Act 1994

**APPLICATION FOR THE REMOVAL OR VARIATION OF A NOTATION OF A
SECURITY INTEREST ON THE REGISTER**

This Form is to be used by the holder of an authorisation to apply to remove or vary the details of a security interest noted on an authorisation on the Register.

Section 131 states -

- (1) If the register contains a notation that a person has a security interest in an authorisation, the holder of the authorisation may apply to the Registrar in a form approved by the Registrar to -
 - (a) remove the notation from the register; or
 - (b) vary any details relating to the security interest.
- (2) If application is made under subsection (1), the Registrar is to give notice of the application to the security holder.
- (3) The Registrar must not remove the notation of the security interest from the register or vary the details in the register (as the case requires) before the expiration of 21 days from the day on which notice is given under subsection (2).
- (4) The Registrar may remove the notation of the security interest from the register or vary the details in the register before the period referred to in subsection (3) if the Registrar has the written consent of the holder of the authorisation and the security holder to do so.
- (5) The Registrar is not to be concerned with the reasons for the application.

The holder of the authorisation affected and the consenting security interest holder must sign this Application.

The Application is to be lodged with the Registrar at the place shown on Page 3.

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.

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

Instructions for Completing this Application

Only the holder of an Authorisation may apply to the Registrar to have a security interest which has been noted on the Register removed, or its details varied.

Please type or use block letters when completing this Application.

PART A

1. **Authorisation Holder** - Specify the full name, business address and postal address of the authorisation holder. If more than one holder, enter each holder's name.

If the authorisation holder is a corporation print the Australian Company Number ('ACN') of the Corporation. Specify the business hours telephone and facsimile numbers.

2. **Description of Authorisations affected** - Specify the nature of the Authorisation and number - e.g. "West Coast Rock Lobster Managed Fishery Licence Number 9999" or "Fishing Boat Licence Number 9999".

PART B

3. **Description of Security Interest to be removed or varied.** - Please indicate whether the security interest is to be removed or varied.

State the name and address of the holder of the security interest - (i.e. Bank or other lender) and the description of the security interest - eg.. "Fixed charge" or "Fixed and floating charge " and date of creation and notation.

Note that notation on the Register does not give the security interest any force that it would not otherwise have.

PART C

4. **Variation of Details of Security Interest** - insert here details of the manner in which the details of the security interest have been varied.

PART D

5. **Consent** - The security interest holder consenting to this application must sign and date the Consent. If the security interest is held by a company, the Application must be signed and sealed in accordance with the sealing clause of the Corporation's Articles of Association and dated.

6. **Declaration** - There are penalties under the *Fish Resources Management Act 1994* for making false or misleading statements in an application.

7. **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 address) 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/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.

Department of Primary Industries and Regional Development
 Locked Bag 4
 Bentley Delivery Centre WA 6983
 Phone: 1300 374 731
 Email: Licensing@dpird.wa.gov.au

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Fish Resources Management Act 1994

**APPLICATION FOR THE REMOVAL OR VARIATION OF A NOTATION
 OF A SECURITY INTEREST ON THE REGISTER**
 Section 131

To the Registrar
 Department of Primary Industries and Regional Development

The holder of the authorisation(s) set out in Part A, in accordance with Section 131 of the *Fish Resources Management Act*, hereby applies to have details of the security interest(s) set out in Part B –

- (i) removed; or
- (ii) varied in the manner set out in Part C.

PART A

1. Authorisation Holder:

Name(s).....
 Business Address:
 Postal Address:.....
 ACN: ABN: Email:

2. Nature of Authorisations affected:

Authorisation Nature and No. :
 Authorisation Nature and No. :
 Authorisation Nature and No. :
 Authorisation Nature and No. :

PART B

3. Details of Security Interest(s) to be removed / varied (delete where not applicable)

Name of Security Interest Holder
 Address
 Nature of Security
 Date of Creation Date of Notation

Note: Changes to details affecting the security interest recorded as a result of this Application will be available by searching the Public Register.

