



Application to transfer a licence

Part V Division 3 of the *Environmental Protection Act 1986*

Licence Number	L7294/1998/11
Applicant	Minerva Foods Australia Pty Ltd
ACN	652 859 811
File Number	DER2016/001700
Premises	Esperance Meats Exports Coolgardie-Esperance Highway MYRUP WA 6450 Legal description – Lot 21 on Deposited Plan 180121 and Lot 1043 on Deposited Plan 152576
Date of Report	10 June 2022
Decision	Revised licence granted

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1. Decision summary

The Delegated Officer has determined to transfer licence L7294/1998/11 from the existing licence holder (Esperance Meat Exports Pty Ltd) to Minerva Foods Australia Pty Ltd (the applicant).

2. Scope of assessment

2.1 Regulatory framework

In the licence, the Department of Water and Environmental Regulation (DWER, the department) has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary

Esperance Meat Exports Pty Ltd currently holds licence L7294/1998/11 for the operation of Esperance Meat Exports (the premises), located in Myrup at Lot 21 on Deposited Plan 180121 and Lot 1043 on Deposited Plan 152576.

On 22 December 2021, Minerva Foods Australia Pty Ltd submitted an application to the department to transfer licence L7294/1998/11 under section 64 of the EP Act. The application is limited to transferring the licence holder details, including the licence holder name, ACN and registered address.

3. Assessment

The assessment of transfer applications requires the determination of whether the new occupier meets the Department's fitness and competency requirements. Further, the applicant must provide documentary evidence of the date they became occupier of the premises.

Legal entity and occupancy status

The applicant is a registered company with a valid and current entry on the Australian Securities & Investments Commission register (ACN 652 859 811) and is therefore a legal entity. The applicant is also the registered proprietor of the premises, having purchased Lot 21 on Deposited Plan 180121 and Lot 1043 on Deposited Plan 152576 via an Asset Sale Agreement that took place on 2 December 2021.

Fitness and competency

The applicant advises it has not been convicted or paid a penalty for an offence under a provision of the EP Act or its subsidiary legislation or similar environmental protection legislation in Australia.

4. Decision

The Delegated Officer has determined to transfer licence L7294/1998/11 to Minerva Foods Australia Pty Ltd on the grounds it is a current legal entity with legal access to the premises and has no known convictions.

In addition, the contents of Amendment Notice 2 (dated 20 February 2018) have been incorporated into the transferred licence. These amendments comprise the removal of chlorine residuals from the monitoring list and removal of concentration limits for total dissolved solid and total aluminium in Table 3.5.2 (condition 3.5). Several formatting updates have also been applied, consistent with the current department licence template.

5. Conclusion

Based on the assessment in this transfer report, the Delegated Officer determined to transfer the licence to Minerva Foods Australia Pty Ltd.

5.1 Summary of amendments

Table 1 below provides a summary of the amendments incorporated into the transferred licence and will act as a record of implemented changes.

Table 1: Summary of licence amendments

Condition no.	Proposed amendments
Cover page	Change of 'Licence Holder', 'ACN and 'Registered business address' Updated format to current licence template
Introduction	Removed redundant 'introduction' section.
Licence history	Updated to capture licence history since November 2017.
Definitions and interpretation	Updated the interpretation consistent with the current department licence template. Updated the definition of 'CEO' to the contemporary definition of this term consistent with the current department licence template. Inserted definition for 'books' consistent with the current department licence template.
Schedule 2	Removed Schedule 2 'Notification Form'