



SOUTHERN ZONE ROCK LOBSTER FISHERY (SZRLF)
Fisheries Management Act 2007
Fisheries Management (Rock Lobster Fisheries) Regulations 2006

**APPLICATION TO TRANSFER
ROCK LOBSTER QUOTA UNITS AND POTS**

INSTRUCTIONS FOR COMPLETION OF APPLICATION

1. You must forward an application fee of \$125 with this application.
2. A separate application form is to be completed for each proposed transfer to a different licence holder of one or more types of quota.
3. **All applications must be completed in full before being lodged** with PIRSA Fisheries & Aquaculture. Applications that are not complete, or that do not have correct documentation attached, will be returned. Please contact PIRSA Fisheries Aquaculture on (08) 8204 1370 if you have any queries. Licence Holders **MUST** initial each page (bottom corners) where indicated.

INFORMATION ABOUT TRANSFER

1. **Where a southern zone rock lobster quota unit is transferred to another licence, a southern zone rock lobster pot entitlement must also be transferred to the same licence at the same time.**
2. The minimum pot holding is 40 pots and the minimum quota holding is 40 units. However, you may temporarily transfer below these holdings. Please note that if you make an application that results in the number of pots endorsed on your licence being reduced to less than 40 in number, the *Fisheries (Scheme of Management – Rock Lobster Fisheries) Regulations 2006* provide that it is an offence to take any fish pursuant to your licence. This includes any species in schedule 1 of the regulations and the taking of razor fish for bait.
3. The maximum pot holding is 100 pots.
4. Quota entitlements can be transferred in whole uncaught units only.
5. Quota entitlements should not be fished until you have received written confirmation that the entitlements have been endorsed on the licence.
6. Transfer of rock lobster quota will not alter the annual licence fees that apply. Your fees will not be recalculated. You will still be charged the full licence fee, including any outstanding instalments, for the remainder of the year. Licence holders should consider these fees when negotiating the transfer price of rock lobster quota.

Transferors init's

Receivers init's

7. Southern Zone Rock Lobster quota transfers attract stamp duty, including transfers between family members and transfers where no money changes hands.

A copy of this form will be forwarded to **RevenueSA** for assessment of stamp duty. Stamp duty is charged on either the consideration (inclusive of GST) or market value of the property transferred, whichever is greater. Generally, stamp duty must be paid within two (2) months of the transfer.

Documentation (i.e. contracts, agreements and tax invoices) associated with a transfer may be requested by **RevenueSA** to enable an assessment of stamp duty.

RevenueSA can be contacted by telephone on (08) 8226 3750 or by email at compliance.licensing@sa.gov.au. Stamp duty assessments can be paid in cash at the State Administration Centre, 200 Victoria Square, Adelaide or by cheque made payable to "Commissioner of State Taxation" and sent to: **RevenueSA – Stamp Duty Licensing, Compliance Services**, GPO Box 2149, Adelaide SA 5001.

Further information about **RevenueSA** can be obtained at www.revenuesa.sa.gov.au.

Please note that documents associated with this transfer **cannot** be stamped via RevNet.

PIRSA FISHERIES & AQUACULTURE
Level 14, 25 Grenfell Street, Adelaide SA 5000
GPO Box 1625, Adelaide SA 5001
Telephone (08) 8204 1370 Facsimile (08) 8204 1388
Email PIRSA.FisheriesS&I@sa.gov.au
<http://www.pir.sa.gov.au/fisheries/home>

Transferors init's

Receivers init's

PART A
Application to be completed by licence holder transferring quota

PLEASE SPECIFY TYPE OF TRANSFER

PERMANENT **TEMPORARY**

PLEASE NOTE:
TEMPORARY QUOTA TRANSFERS ONLY APPLY UNTIL THE END OF THE CURRENT LICENSING YEAR– FROM NOW UNTIL 30 JUNE.

I
of (address)

hereby certify that this application is to the best of my knowledge and belief true and accurate. I know that this information is to be used for the purpose of the administration of the *Fisheries Management Act 2007* and if it is false or misleading in a material particular (whether by reason of inclusion or omission of any particular) I may be guilty of an offence.

Dated the (day) of (month) , 20.....(year)

Signed:

Witnessed by:
(Full Name)

of
(address)

Signature of Witness:

- I am: a Natural Person
 a Director of.....(body corporate)
 the Secretary of(body corporate)

who is the holder of Southern Zone Rock Lobster Fishery Licence No:

Contact Telephone Number:

The number of kilograms of rock lobster taken during the current fishing season pursuant to the above Southern Zone Rock Lobster Fishery Licence is kilograms.

The following are the last four (4) consecutive CDR's to have been submitted to PIRSA Fisheries in respect to:

CDR Number	Certified Recorded Weight	Date	Balance

The next unused CDR in the book assigned to that Southern Zone Rock Lobster Fishery Licence is CDR No.

I hereby request the transfer ofrock lobster **quota units and pots**
from my Southern Zone Rock Lobster Fishery Licence No
to Southern Zone Rock Lobster Fishery Licence No
held by
(name of the Person / Body Corporate Licence Holder)

I understand that a temporary transfer will only apply until the end of the current Southern Zone Rock Lobster licensing year (30 June), and I request that the conditions of my licence be varied accordingly.

I understand that if my licence is a Southern Zone Rock Lobster Fishery Licence the quota entitlement on the licence will also be varied in proportion to the quota transfer.

The total price being paid for the transfer is \$.....

The GST paid for the transfer is \$.....

Transferors init's

Receivers init's

PART B
Application to be completed by licence holder receiving quota

PLEASE SPECIFY TYPE OF TRANSFER

PERMANENT TEMPORARY

PLEASE NOTE:
TEMPORARY QUOTA TRANSFERS ONLY APPLY UNTIL THE END OF THE LICENSING YEAR IN WHICH THE TRANSFER IS MADE – FROM NOW UNTIL 30 JUNE.

I

of (address)

hereby certify that this application is to the best of my knowledge and belief true and accurate. I know that this information is to be used for the purpose of the administration of the *Fisheries Management Act 2007* and if it is false or misleading in a material particular (whether by reason of inclusion or omission of any particular) I may be guilty of an offence.

Dated the (day) of (month) , 20.....(year)

Signed:

Witnessed by:
(Full Name)

of
(address)

Signature of Witness:

I am: a Natural Person

a Director of.....(body corporate)

the Secretary of(body corporate)

who is the holder of Southern Zone Rock Lobster Fishery Licence No.

Contact Telephone Number:

I hereby request the transfer ofrock lobster **quota units and pots**
from Southern Zone Rock Lobster Fishery Licence No
held by
(name of the Person / Body Corporate Licence Holder)

to my Southern Zone Rock Lobster Fishery Licence No.

I understand that a temporary transfer will only apply until the end of the current Southern Zone Rock Lobster licensing year (30 June), and I request that the conditions of my licence be varied accordingly.

I understand that if my licence is a Southern Zone Rock Lobster Fishery Licence the quota entitlement on the licence will also be varied in proportion to the quota transfer.

The total price being paid for the transfer is \$

The GST paid for the transfer is \$

Transferors init's

Receivers init's

Information Circular No: 10

Stamp Duties Act 1923

Transfer of Fishing Licences Liability for Duty

Issued 31 May 2010

RevenueSA is responsible for the assessment and collection of stamp duty under the *Stamp Duties Act 1923* (the "Act").

Stamp duty is charged on instruments that convey an interest in **property**.

Property, for purposes of the Act, includes the transfer of fishing licences. This view has been confirmed by the South Australian Supreme Court in *Pennington v McGovern* (1987) 45 SASR 27 and by the Western Australian Supreme Court in *Austell Pty Ltd v Commissioner of State Taxation* (WA) 20 ATR.

The Act extends to temporary transfers of fishing licences (commonly referred to as "leases" of licences) as they are considered to be "an outright transfer of limited duration" within the legislative fisheries licensing framework.

Stamp duty is assessed on the consideration or market value, whichever is the greater. If the consideration is deemed below market value (even after evidence has been provided), the Commissioner of State Taxation may request a valuation of the property and assess the duty payable by reference to that valuation. The cost of the valuation may be recoverable from the person liable to pay the duty.

Stamp duty is calculated at *ad valorem* rates. For further information regarding the calculation of duty please visit the RevenueSA website at www.revenuesa.sa.gov.au.

The instrument that conveys the property and is assessed for stamp duty is the completed *Licence Transfer Form* **approved** by Primary Industries and Resources SA.

If you have any questions please contact RevenueSA at compliance.licensing@sa.gov.au.



Mike Walker
COMMISSIONER OF STATE TAXATION

31 May 2010

Further Information

Further information can be obtained from RevenueSA.

Location	RevenueSA State Administration Centre 200 Victoria Square East ADELAIDE SA 5000	Postal	Commissioner of State Taxation RevenueSA GPO Box 2149 ADELAIDE SA 5001
Telephone	(08) 8226 3725	Email	compliance.licensing@sa.gov.au
Facsimile	(08) 8226 0918	Website	www.revenuesa.sa.gov.au



**Government of
South Australia**

Information Circulars do not have the force of law.
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