



Fee: \$335
GST Exempt
01/07/08 - 30/06/09
Processing Time: 10
business days

Receipt No:

**MARINE SCALEFISH FISHERY (MSF)
RESTRICTED MARINE SCALEFISH FISHERY (RMSF)**

From 1 July 2007, the Minister will not consent to the transfer of a licence unless he or his delegate is satisfied that the total amount of licence fees for the year relevant to this licence are paid in full. Licence holders should consider these fees when negotiating the transfer price of their licence.

LICENCE TRANSFER FORM

APPLICATION TO TRANSFER A MSF OR RMSF LICENCE

APPLICATION FOR BOAT REGISTRATION

APPLICATION FOR REGISTRATION OF MASTER(S)

With this completed application:

- I have enclosed a payment of \$335
- I have enclosed the total amount of licence fees for the year 2008/2009 relevant to this licence
- I have enclosed the current Licence and 'extract' from the Registrations and Entitlements Register
- Stamp Duty has been paid for this transfer

A189421
Last Revised: July 2008

PIRSA FISHERIES LICENSING
2 Victoria Road, Birkenhead SA 5015
PO Box 282, Port Adelaide SA 5015
Telephone (08) 8347 6107 Facsimile (08) 8347 6150
International Code +618 <http://www.pir.sa.gov.au>

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Signed

Signature witness by

INSTRUCTIONS FOR COMPLETION

1. Read the information contained in this application form carefully. Contact PIRSA Fisheries if you need clarification of any fisheries management or licensing matter contained in, or related to, this form.
2. You are advised to contact the Department of Transport Energy and Infrastructure regarding qualifications necessary to operate a boat.
3. Seek professional advice if necessary in relation to the completion of this form, including taxation and legal issues.
4. Licence transfers attract stamp duty, including transfers between family members and transfers for which no money changes hands. Please be aware that PIRSA Fisheries Licensing cannot complete a transfer until stamp duty is paid. You must therefore organise for the payment of stamp duty by making arrangements through Revenue SA. If you are not familiar with stamp duty obligations, you should seek advice from Revenue SA, Compliance Branch, on free call phone number 1800 676 198, prior to completing a transfer application.
5. Attachments 1 and 2 contain some information provided by the State Taxation Office and the Australian Taxation Office.
6. The person who currently holds the licence must complete Part A of this form, and the statutory declaration at the end of Part A.
7. The person to whom the licence is to be transferred must complete Part B of this form, and the statutory declaration at the end of Part B.
8. In some cases Part C may also need to be completed. Refer to pages 10 and 13 of this application in relation to registered masters.
9. All parts of the application form must be submitted at the same time. If the proposed transferee is a company, please ensure that the relevant attachments are enclosed with the application.
10. If there is one or more persons or entities registered on the public register as having an interest in the licence that is to be transferred, they must provide consent to the transfer. You must seek this consent and attach it to this application. If a bank is a registered interest holder, the written consent must be provided on bank letterhead and / or be stamped with the bank seal.

Third party interest holders should also complete the “Cancellation of 3rd party interest form” that is attached to this application, if they will no longer have an interest in the licence after it is transferred.
11. **All applications must be completed in full** before being lodged with PIRSA Fisheries Licensing. Applications that are not complete, or that do not have correct documentation attached, will be returned. Please contact PIRSA Fisheries Licensing on (08) 8347 6107 if you have any queries.

GENERAL INFORMATION

1. The *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* provide that a licence in respect of the Marine Scalefish Fishery or the Restricted Marine Scalefish Fishery may be transferred with the consent of the Minister. An application for consent must be in writing and must be made on this form, which has been approved by the Minister.
2. The Minister must not consent to a transfer unless he is satisfied that:
 - the licence is to be transferred to a natural person (individual) who is at least 15 years of age;
 - the licence to be transferred has not been suspended;
 - the transferee has not had any conviction under the fisheries legislation of any State or Territory of the Commonwealth of Australia for a period of three (3) years preceding the date of application, or does not have current charges or prosecution action pending for fisheries related offences; and
 - any other requirements of the *Fisheries Management Act 2007* and all regulations under that Act are met.
3. Furthermore, the Minister may only consent to a transfer if that transfer is consistent with the prescribed amalgamation scheme. If the aggregate points value endorsed on a licence is equal to or greater than 24, then the licence may be transferred to any eligible person. If a licence has an aggregate points value of less than 24 points the licence may only be transferred if it is to be amalgamated with another Marine Scalefish Fishery or Restricted Marine Scalefish Fishery licence and the aggregate points value endorsed on both licences is equal to or greater than 24.
4. It is possible to amalgamate two Restricted Marine Scalefish Fishery licences with one Marine Scalefish Fishery licence, but it is not possible to amalgamate three or more Restricted Marine Scalefish Fishery licences.
5. A "licence package" is a collection of State and Commonwealth fishing entitlements that are grouped. A licensing application that will have the effect of "splitting" a licence package (ie. a "licence split") will be considered in the context existing licence splitting policies. The current policy provides that licence applications must be assessed on a case by case basis but that an application should not be approved if it will have the effect of increasing effort or latent effort in another fishery, without first consulting the other jurisdiction that has management responsibility for that fishery.
6. 'Catch history' is the amount of fish taken by a licence holder pursuant to a licence issued under the *Fisheries Management Act 2007*. In some fisheries, when management arrangements have changed, catch history has been used as one of the relevant criteria when allocating resources. It is important to note that PIRSA Fisheries does not recognise the transfer of catch history from one licence holder to another when a licence is sold or transferred. Catch history can only be recognised for a person who holds a valid licence.

7. Upon the death of a licence holder, the licence will become vested in the personal representative of the deceased, as part of the estate of the deceased. The requirements that apply in this situation are set out in section 57 of the *Fisheries Management Act 2007*.
8. The *Fisheries Management Act 2007* provides that a public register of authorities (including licences) issued under the Act must be kept. This register must include, among other things, a notation that a specified person has a registered interest in a licence. This notation will be made upon application by the holder of the relevant licence, and on payment of the prescribed fee.

FALSE AND MISLEADING INFORMATION

A person must not, in furnishing information in or in connection with any application or otherwise in pursuance of the *Fisheries Management Act 2007*, make or cause to be made any statement that is false or misleading in a material particular.

Fisheries Management Act 2007 (Section 119) Maximum penalty: \$100,000 fine

PART A Application to transfer licence to party named in Part B of this form.
To be completed by the transferor (the existing licence holder seeking to transfer the licence)

Name:

Address:

.....Post Code

Number of licence to be transferred:

Name of Transferee:

Is this transfer a family transfer: **Yes / No**

If yes, specify the relationship of the transferee to yourself:

Aggregate points value endorsed on licence:.....

If aggregate points value is less than 24, licence number of licence(s) with which it will be amalgamated

Blue crab quota units endorsed on licence (if any):

Number of kilograms of blue crab taken pursuant to licence this year according to CDR returns ?

Sardine quota units endorsed on licence (if any):

Number of kilograms of sardine taken pursuant to licence this year according to CDR returns ?

The boat registered on this licence is also registered on another State or Commonwealth fishery licence..... **Yes / No**

If yes provide details.....

Signed

Signature witness by.....

The following prices are to be paid for the transfer of -

- (i) the licence\$ _____
- (ii) any boat\$ _____
- (iii) any blue crab quota units endorsed on the licence (in addition to (i)) ...\$ _____
- (iv) any other entitlements endorsed on the licence (in addition to (i))\$ _____
- (v) any equipment.....\$ _____
- (vi) any other matter or thing being transferred as part of the transaction . \$ _____
- Total paid in relation to the licence transfer\$ _____**

Is there one or more persons or entities registered on the public register as having an interest in the licence that is to be transferred?**Yes / No**

If yes, each interest holder must provide written consent to this proposed licence transfer. A copy of the written consent must be attached to this application. Are these consents attached?**Yes / No**

Signed

Signature witness by.....

DECLARATION

Application to transfer Marine Scalefish Fishery Licence
Application to transfer Restricted Marine Scalefish Fishery Licence

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 of,20

Signed:

Witnessed by:
(Full Name)

of
(address)

Signature of Witness:.....

I am the * Natural Person / *Director / *Secretary of
(* delete NOT APPLICABLE) (Body Corporate)

who is the holder of Marine Scalefish Fishery Licence No.

All parties who have an interest in the licence registered by notation on the public register established by section 116 of the *Fisheries Management Act 2007* have provided their consent to this transfer

PART B Application to transfer licence from party named in Part A of this form. To be completed by the transferee (the person making application to obtain the licence)

1. PERSONAL DETAILS

Full name that licence is to be held in:

Date of birth...../...../.....

Residential or business address:.....

..... Post Code

Postal Address

..... Post Code

Telephone number (home)..... (work).....

Telephone number (mobile)

Fax number:

Email address.....

Is this transfer a family transfer:**Yes / No**

If yes, specify the relationship of the transferor to yourself:

2. CONVICTIONS OR CHARGES

For the purposes of this application I consent to the release of full details of any charges or convictions for breaches of fisheries related legislation imposed on me in any Australian State or Territory during the period of three years immediately preceding the date of this application. I acknowledge that without this consent being provided, conviction details in some States may not be disclosed.

Have you been convicted, or do you have charges or prosecution action pending or likely to be commenced, for an offence involving a breach of legislation relating to fishing in any State or Territory of the Commonwealth during the preceding three years?**Yes / No**

If Yes, give details

.....

3. AMALGAMATION SCHEME

Is the licence that is being transferred to be amalgamated with another licence?.....

If yes, licence number and points value of other licence?

Number of the licence to be retained.....

Number of the licence to be surrendered

4. BOAT DETAILS

Nominate the boat(s) to be registered and endorsed on the licence, and provide the following details:

I declare the following boat/s comply with the requirements under the *Harbors and Navigation Act 1993*.

Boat 1

Length (if applicable)(metres) Survey Cert No.

Registered No. Name

Main colour Year of construction

Hull constructed of Home port

Boat 2

Length (if applicable).....(metres) Survey Cert No.

Registered No. Name

Main colour Year of construction

Hull constructed of Home port

Boat 3

Length (if applicable).....(metres) Survey Cert No.

Registered No. Name

Main colour Year of construction

Hull constructed of Home port

5. REGISTERED MASTER

Nominate the person you seek to be registered as the master of the above boat(s):

.....

Note 1: Regulation 12 of the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* provides that the licence holder must be the registered master of a registered boat, except in circumstances where a person holds more than one licence in a Marine Scalefish Fishery, that person must be the registered master in relation to at least one of those Marine Scalefish Fishery licences.

Some classes of licence holder currently hold an exemption to allow the use of a registered master other than the holder of the licence. If the licence to be transferred has a sardine net, sand crab pot or ocean jacket trap endorsed, please contact PIRSA Fisheries Licensing concerning the use of registered masters.

Note 2: If a registered master is to be a person other than the holder of the licence, the registered master(s) must complete Part C of the application.

<p>This box only be completed by sardine, ocean jacket trap and sand crab sectors:</p> <p>Master 2:</p> <p>Master 3:(Sardine Only)</p>
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DECLARATION

Application to transfer Marine Scalefish Fishery Licence
Application to transfer Restricted Marine Scalefish Fishery Licence

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 of,20

Signed:

Witnessed by:

(Full Name)

of

(address)

Signature of Witness:.....

I am the * Natural Person / *Director / *Secretary of
(* delete NOT APPLICABLE) (Body Corporate)

I am the person making the application to for the transfer of a marine scalefish fishery licence.

PART C To be completed by a registered master who is not the holder of the licence

- I hereby declare that I have read and understood the information contained in this application in relation to licence number.....(*insert number*) upon which it is proposed I am to be endorsed as the registered master of the registered boat or boats endorsed on that licence; and
- I declare that I satisfy the requirements of the *Harbors and Navigation Act 1993* in relation to the crewing of vessels; and
- I declare that I have not been convicted of any offence in any State or Territory of the Commonwealth involving a breach of any State or Commonwealth fisheries legislation during the period of three years immediately preceding the date of this application; and
- I understand that it is an offence under the *Fisheries Management Act 2007* to make a statement that is false or misleading in a material particular; and
- I undertake to comply with all the conditions on the said licence in my capacity as registered master; and
- I understand that I may be liable to prosecution for offences against the Act including breaches of licence condition, committed by any other person in relation to fishing from the registered boat, when I am the master; and

For the purposes of this application I consent to the release of full details of any charges or convictions for breaches of fisheries related legislation imposed on me in any Australian State or Territory during the period of three years immediately preceding the date of this application. I acknowledge that without this consent being provided, conviction details in some States may not be disclosed.

Master:

Name..... D.O.B.

Postal Address: Postcode

Residential Address:Postcode

Phone numbers:.....(home) (mobile)

Signed.....Date

Master 2 (Sardine, Ocean Jacket Trap and Sand Crab Sectors only):

Name..... D.O.B.

Postal Address: Postcode

Residential Address: Postcode

Phone numbers:.....(home) (mobile)

Signed Date

Master 3 (Sardine only):

Name..... D.O.B.

Postal Address: Postcode

Residential Address: Postcode

Phone numbers:.....(home) (mobile)

Signed Date

ATTACHMENT 1

SOUTH AUSTRALIAN STATE TAXATION OFFICE

STAMP DUTIES

CIRCULAR NO. 9

FISHING LICENCES - LIABILITY FOR DUTY

The Stamp Duties Office has long held the view that a fishing licence is “property” for the purposes of the Stamp Duties Act and that a conveyance on sale of a licence is liable for ad valorem duty.

This view has been confirmed by the South Australian Supreme Court in *Pennington Vs McGovern (1987) 45 SASR 27* and by the Western Australian Supreme Court in *Austell Pty Ltd Vs Commissioner of State Taxation (WA) 20 ATR*.

As it is clear that some practitioners and members of the fishing industry hold a contrary view, or are not aware of the Supreme Court decisions this circular is issued to place on record the requirement for such transactions to be stamped.

This Office will continue to monitor compliance in this area and impose penalties on unstamped documentation once detected.

Any enquiries should be directed to the Stamp Duties enquiry area on telephone (08) 8226 2175 or (08) 8226 3255.

11 December, 1990

COMMISSIONER OF STAMPS

AUSTRALIAN TAXATION OFFICE

REPORTABLE PAYMENTS SYSTEM (RPS) Effective from 1 December 1994

As you are involved in the Fishing Industry it is likely that the Reportable Payments System (RPS) will apply to you. This system is not a new tax, it is a means of notifying the Tax Office of payments on which tax should be paid and helps make sure that people pay the right amount of tax.

This leaflet gives you a brief outline of the new arrangements. An information booklet detailing all the requirements of the RPS is available from the Tax Offices as well as some processors, wholesalers and co-operatives.

WHAT IS A REPORTABLE PAYMENT?

A Reportable Payment will take place when either of the following two things happen:

⇒ Fish is bought or sold, except when it is sold to:

- a retailer or by a retailer *
- the general public

⇒ Someone is paid for taking or catching fish.

However salary and wages paid to employees are **not** Reportable Payments, they are covered by the Pay As You Earn (PAYE) system.

(*A retailer is a person or organisation who earns more than half their income through sales to the general public, eg. Take away food shops, restaurants and supermarkets.)

Some examples of Reportable Payments:

A processor pays a diver for abalone.

A fisher buys fish for bait from another fisher.

A share of the proceeds of a catch is paid to a deckhand who is not an employee.

A fish agent pays a fisher the proceeds of a sale on the fisher behalf.

WHAT IS A FISH?

The term fish means live, fresh, processed or farmed fish, or part of any fish and includes crustaceans, molluscs and echinoderms.

WHO IS A PAYER AND WHO IS A PAYEE (AND WHO IS BOTH)?

The RPS defines a person who makes a Reportable Payment as a *Payer* and a person who received a Reportable Payment as a *Payee*.

If you pay some people and get paid by others, you are both a Payer and a Payee which will be the case for many people.

WHAT DO I HAVE TO DO IF I AM A PAYER?

- Accept and record Tax File Numbers (TFNs) quoted on Reportable Payments Declaration forms by payees.
- Complete the Payer details on Declaration Forms and send the forms to the Tax Office.
- Withhold tax of 48.4% from any Reportable Payment where no TFN has been quoted or a Pensioner Exemption has not been claimed.
- Provide a receipt to the Payee for any deduction made from a Reportable Payment.
- Send any tax withheld to the Tax Office.
- Provide an Annual Report, with details of all Reportable Payments made and any tax deducted during the financial year, to the Tax Office.

WHAT DO I HAVE TO DO IF I AM A PAYEE?

- Decide whether to quote your Tax File Number (TFN) or claim a Pensioner Exemption.*
- If you decide not to quote your TFN or claim a Pensioner Exemption, your payer is required to deduct tax at the rate of 48.4%.
- If you decide to quote, complete a Reportable Payments Declaration Form and give it to your payer, who will send it to the Tax Office.
- If you do not have a TFN or do not know it, you should fill in a Tax File Number Application/Enquiry Form which is available from your local Tax Office.

***Pensioner Exemptions**

You may claim an exemption from quoting your TFN if you are receiving any of the following Australian Government pensions or benefits:

Age Pension Disability Support Pension
Wife Pension Carer Pension
Sole Parent Pension Widow B Pension
Special Benefit Special Needs Pension
Pension under the Veteran’s Entitlements Act 1986

HOW OFTEN DO DECLARATION FORMS HAVE TO BE COMPLETED?

Payees need to give each of their Payers only one Declaration Form, regardless of the number of payments made. However, if it is more than 12 months since a Payee received a Reportable Payment from a Payer, a new Declaration Form needs to be completed or the Payer is required to deduct tax from future payments.

For further information on anything contained above call the RPS Information Service on 1800 625 624.

Signed

Signature witness by.....



Fisheries Management Act 2007

APPLICATION TO REMOVE THE REGISTRATION OF AN INTEREST IN A COMMERCIAL FISHERY LICENCE

(If you wish to cancel more than one notation, please complete a separate application form for each person/company.)

This is an application by a person or company who is recorded as having an interest in a specified commercial fishery licence. This interest is currently recorded on the public register established by section 116 of the *Fisheries Management Act 2007*. This application is to have the notation of this interest removed from the register.

Licence number to which interest relates:

Name of licence holder to which interest relates:

Name of interest holder:

Address of interest holder:

.....Postcode:

If the interest holder is a company, name and position of the person completing this form on behalf of the company:

All applications must be completed in full before being lodged with PIRSA Fisheries Licensing. Applications that are not complete, or that do not have correct documentation attached, will be returned. Please contact PIRSA Fisheries Licensing on (08) 8347 6107 if you have any queries.

Signed Date
Interest holder