



SOUTHERN ZONE ABALONE FISHERY

Fisheries (Scheme of Management - Abalone Fisheries) Regulations 2006

APPLICATION TO TRANSFER QUOTA UNITS

INSTRUCTIONS FOR COMPLETION OF APPLICATION

1. You must forward both 'extracts' from the Registrations and Entitlements Register that are party to this transfer with this application.
2. You must forward an application fee of \$108 with this application.
3. A separate application form is to be completed for each proposed transfer to a different licence holder of one or more types of quota.
4. **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.

INFORMATION ABOUT TRANSFERS

1. Quota entitlements are reallocated and endorsed on licences prior to 1 September each year in the Southern Zone Abalone Fishery. Quota unit transfers therefore only apply until the end of the year in which the transfer is made - i.e. until 31 August.
2. Transfer of abalone quota units will not alter the annual licence fees that apply. Your fees will not be recalculated. You will still be charged the full licence fee as notified, including any outstanding instalments. Licence holders should consider these fees when negotiating the transfer price of abalone quota.
3. In relation to the Southern Zone Abalone Fishery, quota units that relate to Area S, or 1 or more sub-areas of Area S, that are transferred to another licence will still relate to the same area. Quota units for one area cannot be fished in another area.
4. Quota entitlements should not be fished until you have received written confirmation that the entitlements have been endorsed on the licence.
5. Quota transfers attract stamp duty, including temporary transfers, transfers between family members and transfers for which no money changes hands. If you are not familiar with stamp duty obligations, you should seek advice from RevenueSA, Compliance Branch, on free call phone number 1800 676 198, prior to completing a transfer application.

PART A
Application to be completed by licence holder transferring quota

Licence holder:.....

Licence number:

Number of quota units to be transferred:

- Type of quota units to be transferred (tick one only):
- Greenlip
 - Blacklip outside area S
 - Blacklip areas 1, 3 and 4 (fishdown)
 - Blacklip area 2 (fishdown)

(Note: if you need to transfer more than one type of quota, a separate form must be completed for each type of transfer)

Transferee's licence number:.....Name:.....

Total price being paid for the transfer is \$.....

The number of kilograms of abalone (of the type and region to be transferred) that have already been caught during this season according to CDR returns in relation to my licence is:

I hereby request the transfer of the abalone quota units listed above, from my licence to the licence number of the transferee as listed above. I request that the conditions of my licence be varied accordingly.

I declare that all the information provided by me in this application is true and correct.

Signed..... Date

(Signature of licence holder or authorised representative
of company if licence held in company name)

Print name:.....

PART B
Application to be completed by licence holder receiving quota

Licence holder:

Licence number:

Number of quota units to be transferred:

- Type of quota units to be transferred (tick one only):
- Greenlip
 - Blacklip outside area S
 - Blacklip areas 1, 3 and 4 (fishdown)
 - Blacklip area 2 (fishdown)

Transferor's licence number: Name:

Total price being paid for the transfer is \$.....

I hereby request the transfer of the abalone quota units listed above, to my licence from the licence number of the transferor as listed above. I request that the conditions of my licence be varied accordingly.

I declare that all the information provided by me in this application is true and correct.

Signed..... Date

(Signature of licence holder or authorised representative
of company if licence held in company name)

Print name:.....

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