

SOUTH AUSTRALIA



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) 226 3750 or (08) 226 37 19.

11 December, 1990

COMMISSIONER OF STAMPS