

# Department of Treasury and Finance

## STATE REVENUE OFFICE

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Duncan Spender  
Chief Executive Officer  
Oysters Tasmania

Via email: [ceo@oysterstasmania.org](mailto:ceo@oysterstasmania.org)

Dear Mr Spender

### Marine Farm Leases

I am writing to advise Oysters Tasmania of my interpretation relating to the application of the *Duties Act 2001* (the Act) in respect of Marine Farm Leases (issued under the *Marine Farming Planning Act 1995*).

Until recently I was of the view that Marine Farm Leases were not dutiable property for the purposes of the Act on the understanding that such leases did not confer an interest in land under section 9 of the Act.

Recent developments in case law required a review of the treatment of Marine Farm Leases under the Act<sup>1</sup>. I have sought advice and have subsequently formed the view that Marine Farm Leases do generally amount to an interest in land, and that the transfer of such a lease within Tasmania's coastal waters (within 3 nautical miles under the *Coastal Waters (State Title) Act 1980* (Cth)) would therefore constitute a dutiable transaction.

I will be applying this interpretation to transactions currently lodged with me for assessment or reassessment and for those lodged with me going forward. I do not intend to specifically review Marine Farm Lease transactions previously assessed unless they form part of any separate matter that is lodged for assessment.

I am bringing this matter to your attention so that you might inform your members that the transfer of Marine Farm Leases, whether alone or as part of a larger transaction, constitute a dutiable transaction and the value of the Marine Farm Lease will be ascribed to the dutiable value of the transaction. Likewise, a Marine Farm Lease will also be considered as an interest in land for the purposes of landholder provisions under the Act.

Should you have any questions about these matters, please contact Mark Boxhoorn on 6166 4400 (option 4, option 1) or email [Mark.Boxhoorn@treasury.tas.gov.au](mailto:Mark.Boxhoorn@treasury.tas.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Jonathon Root".

Jonathon Root  
Commissioner of State Revenue

31 October 2024

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<sup>1</sup> *Coverdale v West Coast Council* [2016] HCA 15, and *MAPA Pearls Pty Ltd v Haliotis Fisheries Pty Ltd* [2023] VSCA 108.