

Document Class:	EXEMPTIONS
Document Name:	Conveyance of Other
Document Description:	Bankrupts pursuant to 71CD
Document Code:	EX

Introduction

This guide note applies to a conveyance of property (other than land) pursuant to section 71CD of the SD Act.

Property (other than land) which has vested to the Official Trustee in Bankruptcy or a registered trustee under the *Bankruptcy Act 1966* of the Commonwealth, is exempt from stamp duty pursuant to section 71CD of the SD Act, when the property is transferred back to the bankrupt.

Section 71CD(b) of the SD Act provides that a conveyance of property from the Official Trustee in Bankruptcy or a registered trustee under the *Bankruptcy Act 1966* of the Commonwealth to **some other person**, will be chargeable as though the conveyance of property were from the bankrupt or former bankrupt to that person.

This may occur after the bankrupt's estate has been settled and the property is deemed by the Official Trustee or registered trustee as a surplus asset.

Note: The term "bankrupt" includes former bankrupt.

This exemption applies regardless of whether or not a consideration is paid.

The following similar transaction cannot be stamped under this document heading:

If the property being conveyed pursuant to section 71CD of the SD Act is **land** – refer to the document heading:

- [Exemptions – Conveyance of Land - Bankrupts pursuant to 71CD](#) (EX).

What documents can I stamp under this document heading?

The document can be in the form of:

- an Assignment of Insurance Policy;
- a Standard Transfer Form (for marketable securities, units etc);
- an Application to Transfer the Registration of a Motor Vehicle; or
- any other document that conveys property (not land).

What types of *transactions* can I stamp under this document heading?

A conveyance of property (other than land) pursuant to Section 71CD of the SD Act is deemed **suitable** for self-stamping under this document heading where the transfer of property is from the Official Trustee in Bankruptcy or a registered trustee:

- back to the bankrupt.

What stamp duty is payable on this document?

The document is “Exempt” from stamp duty.

What evidence do I need to retain for audit purposes?

For audit purposes, you will need to retain the following documentation:

- a copy of the stamped document.

Example 1 - Property transferred from Official Trustee (or some other registered trustee) to bankrupt or former bankrupt

Bill was the owner of a life insurance policy. On 21 July 2000, Bill was declared bankrupt and the life insurance policy was transferred to the Official Trustee. After 6 months negotiation and re-financing Bill's debts, the life insurance policy is to be transferred back to Bill.

On 2 February 2001, an Assignment of Life Insurance Policy is executed where the Official Trustee is the transferor and Bill is the transferee.

The Assignment of Life Insurance Policy is “Exempt” from stamp duty pursuant to section 71CD of the SD Act.

What section of the SD Act applies?

71CD