

Document Class: MORTGAGES
Document Name: Consumer Mortgage
Document Code: M

Mortgage Duty

No stamp duty is payable on a mortgage executed on or after 1 July 2009. This guide note applies to a mortgage dated on or before 30 June 2009 and the funds are advanced on or before 30 June 2009. For a mortgage dated on or after 1 July 2009 or dated pre 1 July 2009 but the funds are advanced on or after 1 July 2009, refer to the document heading:

[Exemptions – Mortgage/Discharge of Mortgage or Encumbrance – Non Dutiable Mortgage / Discharge \(MEX\)](#)

Introduction

This guide note explains how stamp duty is calculated on a consumer mortgage.

A mortgage is defined at section 76 of the SD Act and includes a document creating, acknowledging, evidencing or recording a legal or equitable interest in, or charge over real or personal property as security for a liability.

What *documents* can I stamp under this document heading?

The document can be in the form of:

- a Consumer Mortgage.

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

A Consumer Mortgage is deemed **suitable** for self-stamping under this document heading where:

- the document creates a charge over property located only in South Australia to secure the payment or repayment of a debt.

What stamp duty is payable on this document?

Stamp duty is charged on the liability secured by the consumer mortgage using the mortgage rate of stamp duty as prescribed in Schedule 2 of the SD Act.

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 – Consumer Mortgage

Jo purchases a car for an amount of \$30,000. The funds for the car have been obtained from the Friendly Finance Company. Jo has signed a consumer mortgage.

Stamp duty on the consumer mortgage is charged on the liability secured (\$30,000) using the mortgage rate of duty as prescribed in Schedule 2 of the SD Act (ie. \$46 stamp duty is payable).

What section of the SD Act applies?

Sections 76 to 80 inclusive