

**Document Class:** CONVEYANCE - LAND  
**Document Name:** For No Consideration  
**Document Description:** Conveyance of Land  
**Document Code:** VC

### Introduction

This guide note explains how stamp duty is calculated on a conveyance of land where there is **no consideration** passing between the parties. The term “conveyance” includes vesting, transfer, assignment and other like terms.

Pursuant to section 71(1) of the SD Act, the market value of the interest being conveyed must be declared in the document.

You will need to indicate whether the land is used as **residential** or **non-residential**. For further advice on this refer to the [Stamp Duty Guide Glossary](#).

**The following similar transactions cannot be stamped under this document heading:**

A conveyance of land where there is consideration passing between the parties - refer to the document heading:

- [Conveyance of Land – For Consideration – Conveyance of Land](#) (CL).

Conveyances of land creating or surrendering a life interest - refer to the appropriate document heading:

- [Conveyance of Land - For Consideration - Creation of Life Interest](#) (CL);
- [Conveyance of Land – For Consideration - Surrender of Life Interest](#) (CL);
- [Conveyance of Land - For No Consideration - Creation of Life Interest](#) (VC); or
- [Conveyance of Land – For No Consideration - Surrender of Life Interest](#) (VC).

If you believe that a particular conveyance of land may be exempt or subject to a stamp duty concession or rebate it cannot be stamped under this document heading and must be stamped under the appropriate document heading or submitted for the Opinion of the Commissioner of State Taxation.

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

The document can be in the form of:

- a LTO Form T1 – Memorandum of Transfer of Land;
- a LTO Form RTC – Application to Deposit a Plan of Division;
- any other document that evidences the conveyance of land for **no** consideration.

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

A conveyance of land is deemed **suitable** for self-stamping under this document heading where:

- there is no consideration passing between the parties; and
- the instrument is **not** entitled to a stamp duty concession, exemption or rebate.

The document can be stamped under this heading regardless of whether:

- the parties are related or unrelated; or
- a full or fractional interest is being conveyed
- a portion of land is being conveyed (eg, RTC).

### What stamp duty is payable on this document?

Stamp duty is calculated using the *ad valorem* voluntary conveyance rate of stamp duty on the **market value** of the interest being transferred as at the date of conveyance, assuming that the property is at that date free from encumbrances (section 60A(1) of the SD Act).

In all cases you will need to obtain evidence of the market value of the land. For example:

- valuation from a suitably qualified valuer; or
- evidence of the current Valuer General's value for the land (eg. a copy of the relevant Property Assist print-out).

### Section 67 of the SD Act

If the conveyance is a part of a series of transactions with other documents (as described in [section 67](#) of the SD Act), then stamp duty is charged on the **total** value of the property in the series of transactions and apportioned to each document.

If the documents which are subject to section 67 of the SD Act are being stamped at different times, they must be submitted for Opinion of the Commissioner of State Taxation with the details of the other documents in the series of transactions.

### 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; and
- evidence of the market value of the land as at the date of conveyance.

### Example 1 – Conveyance of Land – Full Interest – for no consideration

Jim gifts land valued at \$150,000 to his sister, Ann. A suitably qualified valuer has agreed that the market value of the land is \$150,000.

Both parties have executed a Memorandum of Transfer of Land. The stamp duty is calculated on the market value of \$150,000 (ie. \$4,830 stamp duty).

### Example 2 – Conveyance of Land – Fractional Interest – for no consideration

Bob and Helen agree to transfer a **half** interest in their land to Kate and Tim for **no** consideration. The parties have advised their conveyancer that the market value of the interest being transferred is \$35,000.

A suitably qualified valuer has advised that the market value of the interest being transferred is \$50,000.

The parties have executed a Memorandum of Transfer of Land. The stamp duty is calculated on the market value of \$50,000 (ie. \$1,080 stamp duty).

### Example 3 - Land conveyed with other property – for no consideration (section 67)

Tim and Sally have gifted their house and furniture to Sally's brother Fred and his wife Karen. The parties have entered into an Agreement evidencing the gift of land valued at \$255,000 and furniture valued at \$20,000 (ie. a total value of \$275,000).

A suitably qualified person has valued the land at \$255,000 and the furniture at \$20,000.

The stamp duty is calculated on the total market value (\$275,000) and apportioned between both documents pursuant to section 67 of the SD Act.

The stamp duty on the Agreement is calculated using the market value of \$20,000 (ie. \$737.50 stamp duty) and the document is stamped under the document heading:

- [Conveyance – Other – For No Consideration – Property \(not land/shares/units\) \(VC\)](#).

The stamp duty on the Memorandum of Transfer of Land is calculated using the market value of \$255,000 under this document heading (ie. \$9,405 stamp duty).

When stamping on RevNet the section 67 field will need to be highlighted and the stamp duty will be apportioned for you.

When stamping these documents on the Periodic Return Arrangement, you will need to apportion the stamp duty between the documents manually.

### What section of the SD Act applies?

Section 71(3)

Schedule 2, Conveyance operating as a voluntary disposition *inter vivos*