

**Document Class:** CONVEYANCE - OTHER  
**Document Name:** For No Consideration  
**Document Description:** Property (not land/shares/units)  
**Document Code:** VCO

## Introduction

This guide note explains stamp duty is calculated on a conveyance of property (not land, marketable securities or units) where there is **no consideration** passing between the parties.

Section 2 of the SD Act defines “property” as real or personal property and includes:

- intellectual property (except know-how and confidential information); and
- an interest in property.

Cash/money is not a form of property, therefore, if there is a document evidencing a conveyance of cash/money it would **not** be liable to *ad valorem* stamp duty (Note: a conveyance of a bank account may be dutiable).

Any document that conveys property (or a fractional interest in property) for **no consideration** is liable to *ad valorem* voluntary conveyance stamp duty **unless** one of the specific exclusions or exemptions provided under the SD Act applies. Refer to the appropriate document heading in this Stamp Duty Document Guide.

Examples of property that could be stamped under this document heading are:

- personal property (eg furniture, white goods etc);
- goods or chattels not sold as part of a business ; and
- an option to purchase property

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

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

Conveyances of the types of property listed below must be submitted for the Opinion of the Commissioner of State Taxation:

- an aquaculture licence;
- a fishing licence;
- a taxi plate licence;
- a water licence; or

- a transfer of a beneficial interest to another beneficiary/object of that trust (except a renunciation to a continuing beneficiary/object).

If the property is conveyed for a **consideration** – refer to the document heading:

- [Conveyance – Other – For Consideration – Property \(not land/shares/units\)](#) (C).

If the document conveys land - refer to the document heading:

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

If the document conveys unlisted marketable securities or units it must be submitted for the Opinion of the Commissioner of State Taxation together with the latest Balance Sheet and the last five (5) years Profit and Loss Accounts.

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

The document can be in the form of:

- an Agreement evidencing the conveyance of property for no consideration;
- a Deed evidencing the conveyance of property for no consideration; or
- any other document evidencing the conveyance of property for no consideration.

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

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

- there is **no** consideration passing between the parties; and
- the document does not convey land, marketable securities, units, a taxi licence, a water licence, a fishing licence or an aquaculture licence.

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

- the parties are related or unrelated; and/or
- the conveyance is for a full or fractional interest.

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

The stamp duty is calculated using the *ad valorem* voluntary conveyance rate of stamp duty on the **market value** of the interest transferred.

You will need to obtain evidence of the market value of the property conveyed eg. valuation from a suitably qualified valuer, balance sheet, depreciation schedule etc.

### Section 67 of the SD Act

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

If the documents subject to section 67 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 property eg. valuation from a suitably qualified valuer, balance sheet, depreciation schedule etc. (where the parties are related or a fractional interest is conveyed).

### Example 1 – Conveyance of property for no consideration

Ann agrees to gift plant and equipment to Bill. The property is valued at \$5,000.

Ann and Bill execute an Agreement evidencing the gift of the plant and equipment. The Agreement is liable for *ad valorem* voluntary conveyance stamp duty on the value of the plant and equipment. A suitably qualified person has valued the plant and equipment at \$5,000.

The stamp duty is charged on \$5,000 (ie. \$50 stamp duty).

### Example 2 – Gift of land and goods (subject to section 67 of the SD Act)

Bob and Sally have given their house and furniture to Sally's brother Fred and his wife Kate. 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 agreed that the value of the land is \$255,000 and the furniture is \$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 Memorandum of Transfer of Land is calculated using the market value of \$255,000 (ie. \$9,405 stamp duty) and the document must be stamped under the document heading:

- [Conveyance of Land – For No Consideration – Conveyance of Land](#) (VC).

The Agreement is stamped under this document heading using the market value of \$20,000 (ie. \$737.50 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.

### Example 3 – Gift of cash

Thelma has agreed to make a gift of \$10,000 cash to her grandson, Mark. Thelma and Mark have executed a Deed of Gift evidencing this arrangement.

As cash is **not** “property” the Deed of Gift is **not** chargeable as a voluntary conveyance under this document heading. The document must be stamped as a Deed (ie. \$10 stamp duty) – refer to document heading:

- [Others – Deed](#) (D).

Note: a conveyance of a bank account may be dutiable.

### What sections of the SD Act applies?

Section 71(3)

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