

Document Class:	EXEMPTIONS
Document Name:	Others
Document Description:	Deed
Document Code:	EX

Introduction

A Deed, which is **not chargeable** under any other head of stamp duty, is exempt from stamp duty. Examples of Deeds that **are chargeable** under another head of stamp duty are Deeds that:

- convey property (eg. conveyance of business, assignment of interest in property, transfer of an interest in a deceased estate);
- lease land (eg. lease); or
- create a charge over property (eg. mortgage).

Simply because a document is referred to as a “Deed” does not mean it will always be exempt as a Deed. The document must be examined thoroughly to determine its effect and its liability to the appropriate head of stamp duty.

This guide note applies to those Deeds that are not liable under another head of duty. Some of the Deeds that are **suitable** for stamping under this document heading are:

- a Deed establishing a Superannuation Trust;
- a Deed of Guarantee;
- a Deed establishing a Family Trust;
- a Deed of Release;
- a Deed of Indemnity;
- a Deed of Priority; and
- a Deed establishing a Unit Trust.

Deeds that must be submitted for the Opinion of the Commissioner of State Taxation include:

- a Deed of Family Arrangement dealing with a deceased estate. NB: A transfer of property pursuant to a Deed of Family Arrangement must be submitted for Opinion of the Commissioner of State Taxation together with the Deed of Family Arrangement;
- a Deed of Dissolution of Partnership;
- a Deed of Variation of a Trust which adds new or potential beneficiaries/objects to the Trust; and

- a Deed of Gift.

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

The document can be in the form of:

- Deeds that are **not chargeable** under another head of stamp duty.

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

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

- the document does not convey property;
- the document does not create a lease over land;
- the document does not create a charge over property;
- the document is **not chargeable** under another head of stamp duty; and
- the document is not required to be submitted for Opinion.

What stamp duty is payable on this document?

Exempt.

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.

What section of the SD Act applies?

Schedule 2, Part 2, General Exemption 30.