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| <b>Document Class:</b>       | <b>EXEMPTIONS</b>                                      |
| <b>Document Name:</b>        | <b>Conveyance - Land</b>                               |
| <b>Document Description:</b> | <b>To Religious/Charitable Body (Section 71(5)(j))</b> |
| <b>Document Code:</b>        | <b>EX</b>  |

### Introduction

This guide note refers to a conveyance of land pursuant to section 71(5)(j) of the SD Act. This section, provides an exemption from *ad valorem* conveyance stamp duty where there is a voluntary conveyance of land that is wholly for:

- religious purposes; or
- charitable purposes.

Charitable purposes can include:

- the relief of the aged, impotent and poor;
- the advancement of education;
- the relief of poverty;
- the advancement of religion; or
- other purposes beneficial to the community.

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

Where there is a **consideration** paid for the land, the transfer would not satisfy the exemption criteria - refer to the document heading:

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

The document must be submitted for the Opinion of the Commissioner of State Taxation together with a copy of the Constitution of the transferee and a description as to what the property is to be used for if:

- the document conveys property other than land; or
- there is any doubt as to whether the exemption pursuant to section 71(5)(j) of the SD Act applies.

### 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; or

- any other document that conveys land to a “religious” or “charitable” body 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 land is wholly for charitable or religious purposes.

### 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;
- a copy of the Constitution of the transferee; and
- a description of what the land is to be used for.

### Example 1 – Transfer of land for no consideration where the land is wholly for religious purposes

Bill transfers land to a church for **no consideration**. The land is wholly for religious purposes.

The document is exempt from *ad valorem* stamp duty pursuant to section 71(5)(j) of the SD Act.

### Example 2 – Transfer of land for no consideration where the land is wholly for charitable purposes

A Pty Ltd transfers land for **no consideration** to an incorporated association, which has solely charitable objects. The land is wholly for charitable purposes.

The document is exempt from *ad valorem* stamp duty pursuant to section 71(5)(j) of the SD Act.

**Example 3 – Transfer of land for no consideration where the land is wholly for charitable purposes**

The local council agrees to transfer some land for no consideration to the Old Folks Retirement Village.

The land is located next door to the retirement village and will be leased by the Old Folks Retirement Village to certain staff of the retirement village for their accommodation.

The rent obtained from the lease of land will be used wholly for charitable purposes by the Old Folks Retirement Village.

The document is exempt from *ad valorem* stamp duty pursuant to section 71(5)(j) of the SD Act.

**What section of the SD Act applies?**

Section 71(5)(j)  
Schedule 2, Part 2, General Exemption 29