

Document Class:	EXEMPTIONS
Document Name:	Marketable Securities
Document Description:	Trustee to Trustee (no other doc)
Document Code:	EX

Introduction

This guide note refers to a transfer of marketable securities, that are not quoted on a recognised stock exchange, from a trustee to a trustee, of the same trust, where there is **no other document** evidencing the change in trustees. The transaction should be for the purpose of effecting the retirement of a trustee and/or the appointment of a new trustee.

Section 71(5)(d) of the SD Act provides relief from *ad valorem* stamp duty where there is conveyance of property from a trustee to a trustee where:

- the document conveys any form of property (including marketable securities);
- there is no change to the relative beneficial interest of the trust property by the beneficiaries;
- the property remains in the same trust; and
- there is no consideration paid.

It is irrelevant whether the trustee is a person or a company.

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

If there is a document evidencing the change in trustee that has been duly stamped – refer to the document heading:

- [Marketable Securities –Trustee to Trustee with stamped Deed](#) (EX).

For an Appointment of a New Trustee refer to the document heading:

- [Other - Appointment of New Trustee](#) (EX).

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

The document can be in the form of:

- a Standard Transfer Form;
- a Share Transfer Form; or
- any other document where the marketable securities are conveyed from a trustee to a trustee.

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

A conveyance of marketable securities from a trustee to a trustee is deemed **suitable** for self-stamping under this document heading where:

- the marketable securities are not quoted on a recognised stock exchange;
- there is no change to the relative beneficial interest of the trust property;
- the property remains in the same trust;
- there is no consideration paid; and
- stamp duty has **not** been paid on any other document evidencing the change in trustee.

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 stamped Trust Deed establishing the trust;
- a copy of the stamped Amending/Variation Deeds (if applicable); and
- a copy of the resolution recording the retirement of a trustee and/or the appointment of a new trustee (if applicable).

Example 1 –Trustee to Trustee

Ann is the trustee of the Smith Unit Trust. Ann owns shares in Carr Pty Ltd, a company not quoted on a recognised stock exchange, in her capacity as trustee of the trust.

Ann has been advised by her accountant to have a corporate trustee as trustee of the trust, and has set up a company for this purpose.

A Standard Transfer form is executed wherein Ann in her capacity as Trustee of the Smith Unit Trust transfers the shares in Carr Pty Ltd to the company as trustee of the Smith Unit Trust. No other document evidencing the retirement/appointment of trustee exists.

There has been no change to the relative beneficial interest of the trust property by the beneficiaries.

As the above requirements of section 71(5)(d) have been satisfied, the document will be stamped Exempt.

What section of the SD Act applies?

Section 71(5)(d)

Schedule 2, Part 2, General Exemption 28